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Resolutions

2010/1
Strengthening of the coordination of emergency humanitarian assistance of the United Nations

The Economic and Social Council,

Reaffirming General Assembly resolution 46/182 of 19 December 1991 and the guiding principles contained in the annex thereto, and recalling other relevant resolutions of the Assembly and relevant resolutions and agreed conclusions of the Economic and Social Council,

Reaffirming the principles of neutrality, humanity, impartiality and independence for the provision of humanitarian assistance and the need for all actors engaged in the provision of humanitarian assistance in situations of complex emergencies and natural disasters to promote and fully respect these principles,

Recalling its decision to consider the theme "Strengthening of the coordination of humanitarian assistance" at the humanitarian affairs segment of its substantive session of 2010,

Recalling also its decision to hold panels on the themes "Humanitarian assistance operations in highly hazardous or insecure and unsafe environments" and "Strengthening preparedness for humanitarian emergencies and the coordinated provision of humanitarian assistance, in particular addressing the humanitarian needs of the affected populations and the factors that increase susceptibility to humanitarian emergencies", and to hold an informal event on the theme "From relief to recovery: lessons learned from the experience of Haiti",

Expressing grave concern at the increase in the number of people affected by humanitarian emergencies, including those associated with natural hazards and complex emergencies, at the increased impact of natural disasters and at the displacement resulting from humanitarian emergencies,

Reiterating the need to mainstream a gender perspective into humanitarian assistance in a comprehensive and consistent manner,

Expressing its deep concern at the increasing challenges facing Member States and the United Nations humanitarian response capacity posed by the consequences of natural disasters, including those related to the continuing impact of climate change, and by the global food crisis and continuing food insecurity,

Acknowledging that the current financial and economic crisis has the potential to increase the need for resources for humanitarian assistance in developing countries,

Condemning the increasing number of attacks and other acts of violence against humanitarian personnel, facilities, assets and supplies, and expressing deep concern about the negative implications of such attacks for the provision of humanitarian assistance to affected populations,

Noting with grave concern that violence, including gender-based violence, including sexual violence, and violence against children, continues to be deliberately directed against civilian populations in many emergency situations,

Recognizing that building and strengthening national and local preparedness, prevention, resilience, mitigation and response capacity is critical to a more predictable and effective response,

Recognizing also the clear relationship between emergency response, rehabilitation and development, and reaffirming that in order to ensure a smooth transition from relief to rehabilitation and development, emergency assistance must be provided in ways that will be supportive of recovery and long-term development and that emergency measures should be seen as a step towards sustainable development,

Noting the contribution, as appropriate, of relevant regional and subregional organizations in the provision of humanitarian assistance within their region upon the request of the affected State,

1. *Takes note* of the report of the Secretary-General;[1]

2. *Stresses* that the United Nations system should make efforts to enhance existing humanitarian capacities, knowledge and institutions, including, as appropriate, through the transfer of technology and expertise to developing countries, and encourages the international community to support efforts of Member States aimed at strengthening their capacity to prepare for and respond to disasters;

3. *Urges* Member States to develop, update and strengthen disaster preparedness and risk reduction measures at all levels, in accordance with the Hyogo Framework for Action,[2] in particular priority 5 thereof, taking into account their own circumstances and capacities and in coordination with relevant actors, as appropriate, and encourages the international community and relevant United Nations entities, including the International Strategy for Disaster Reduction, to give increased priority to supporting national and local efforts in this regard;

4. *Encourages* Member States to create and strengthen an enabling environment for the capacity-building of their national and local authorities, national societies of the International Red Cross and Red Crescent Movement, and national and local non-governmental and community-based organizations in providing timely humanitarian assistance, and also encourages the international community, the relevant entities of the United Nations system and other relevant institutions and organizations to support national authorities in their capacity-building programmes, including through technical cooperation and long-term partnerships, based on recognition of their important role in providing humanitarian assistance;

5. *Welcomes* the initiatives undertaken at the regional and national levels in relation to the implementation of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance adopted at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007, and encourages Member States and, where applicable, regional organizations to take further steps to strengthen operational and

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[1] A/65/82-E/2010/88.

[2] Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters, adopted by the World Conference on Disaster Reduction (A/CONF.206/6 and Corr.1, chap. I, resolution 2).

legal frameworks for international disaster relief, taking into account, as appropriate, these Guidelines;

6. *Encourages* efforts to enhance cooperation and coordination of United Nations humanitarian entities, other relevant humanitarian organizations and donor countries with the affected State, with a view to planning and delivering emergency humanitarian assistance in ways that are supportive of early recovery as well as sustainable rehabilitation, reconstruction and development efforts;

7. *Also encourages* efforts to provide education in humanitarian emergencies, including in order to contribute to a smooth transition from relief to development;

8. *Requests* the Emergency Relief Coordinator to continue his/her efforts to strengthen the coordination of humanitarian assistance, and urges relevant United Nations and other relevant intergovernmental organizations, as well as other humanitarian and relevant development actors, including civil society, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness, and efficiency of humanitarian assistance;

9. *Encourages* United Nations humanitarian organizations and other relevant organizations, while strengthening the coordination of humanitarian assistance in the field, to continue to work in close coordination with national Governments, taking into account the primary role of the affected State in the initiation, organization, coordination and implementation of such assistance within its territory;

10. *Welcomes* the continued efforts to strengthen the humanitarian response capacity in order to provide a timely, predictable, coordinated and accountable response to humanitarian needs, and requests the Secretary-General to continue efforts in this regard, in consultation with Member States, including by strengthening support to United Nations resident/humanitarian coordinators and improving their identification, selection, training and by improving coordination mechanisms for the provision of humanitarian assistance at the field level;

11. *Encourages* the United Nations to strengthen further its ability to recruit and deploy staff quickly and flexibly and to procure emergency relief material rapidly and cost-effectively in order to support Governments and United Nations country teams in the coordination and provision of international humanitarian assistance;

12. *Urges* all actors engaged in the provision of humanitarian assistance to fully commit to and duly respect the guiding principles contained in the annex to General Assembly resolution 46/182, including the humanitarian principles of humanity, impartiality and neutrality as well as the principle of independence, as adopted by the Assembly in its resolution 58/114 of 17 December 2003;

13. *Calls upon* all States and parties in complex humanitarian emergencies, in particular in armed conflict and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel and delivery of supplies and equipment, in order to allow humanitarian personnel to perform efficiently their task

of assisting affected civilian populations, including refugees and internally displaced persons;

14. *Calls upon* all parties to armed conflicts to comply with their obligations under international humanitarian law, human rights law and refugee law;

15. *Calls upon* all States and parties to comply fully with the provisions of international humanitarian law, including all the Geneva Conventions of 12 August 1949,[3] in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[4] in order to protect and assist civilians in occupied territories, and in this regard urges the international community and the relevant organizations of the United Nations system to strengthen humanitarian assistance to civilians in those situations;

16. *Recognizes* the benefits for the effectiveness of the humanitarian response of the engagement of and coordination with relevant humanitarian actors, and encourages the United Nations to continue to pursue efforts to strengthen partnerships at the global level with the International Red Cross and Red Crescent Movement, relevant humanitarian non-governmental organizations and other participants of the Inter-Agency Standing Committee;

17. *Urges* Member States to continue to take the steps necessary to ensure the safety and security of humanitarian personnel, premises, facilities, equipment, vehicles and supplies operating within their borders and in other territories under their effective control, recognizes the need for appropriate collaboration between humanitarian actors and relevant authorities of the affected State in matters related to the safety and security of humanitarian personnel, requests the Secretary-General to expedite his efforts to enhance the safety and security of personnel involved in United Nations humanitarian operations, and urges Member States to ensure that perpetrators of crimes committed on their territory or on other territories under their effective control against humanitarian personnel do not operate with impunity and are brought to justice as provided for by national laws and obligations under international law;

18. *Encourages* Member States, as well as relevant regional and international organizations, in accordance with their specific mandates, to support adaptation to the effects of climate change and to strengthen disaster risk reduction and early warning systems in order to minimize the humanitarian consequences of natural disasters, including those related to the continuing impact of climate change, takes note of the "2009 Global Assessment Report on Disaster Risk Reduction"[5] and encourages relevant entities to continue research on the humanitarian implications;

19. *Emphasizes* the fundamentally civilian character of humanitarian assistance and, in situations in which military capacity and assets are used to support the implementation of humanitarian assistance, reaffirms the need for their use to be undertaken with the consent of the affected State and in conformity with international law, including international humanitarian law, as well as humanitarian principles;

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[3] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[4] Ibid., vol. 75, No. 973.

[5] Available from www.unisdr.org.

20. *Requests* Member States, relevant United Nations organizations and other relevant actors to ensure that all aspects of humanitarian response address the specific needs of women, girls, men and boys, taking into consideration age and disability, including through improved collection, analysis and reporting of sex- and age-disaggregated data, taking into account, inter alia, the information provided by States;

21. *Urges* Member States to continue to prevent, investigate and prosecute acts of gender-based violence, including sexual violence, in humanitarian emergencies, calls upon Member States and relevant organizations to strengthen support services to victims of such violence, and also calls for a more effective response in this regard;

22. *Notes* that the current global financial and economic crisis could potentially affect the ability of developing countries to respond to humanitarian emergencies, and stresses the need to take measures to ensure adequate resources for international cooperation in the provision of humanitarian assistance;

23. *Encourages* Member States, the private sector, civil society and other relevant entities to make contributions and to consider increasing and diversifying their contributions to humanitarian funding mechanisms, including consolidated and flash appeals, the Central Emergency Response Fund and other funds, based on and in proportion to assessed needs, as a means of ensuring flexible, predictable, timely, needs-based and, where possible, multi-year, non-earmarked and additional resources to meet global humanitarian challenges, encourages donors to adhere to the principles of good humanitarian donorship,[6] and reiterates that contributions for humanitarian assistance should be provided in a way that is not to the detriment of resources made available for international cooperation for development;

24. *Calls upon* United Nations humanitarian organizations, in consultation with Member States, as appropriate, to strengthen the evidence base for humanitarian assistance by further developing common mechanisms to improve the quality, transparency and reliability of, and make further progress towards, common humanitarian needs assessments, to assess their performance in assistance and to ensure the most effective use of humanitarian resources by these organizations;

25. *Requests* the Secretary-General to reflect the progress made in the implementation of and follow-up to the present resolution in his next report to the Economic and Social Council and the General Assembly on the strengthening of the coordination of emergency humanitarian assistance of the United Nations.

36th plenary meeting
15 July 2010

[6] See A/58/99-E/2003/94, annex II.

2010/2
Assessment of the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society

The Economic and Social Council,

Recalling the outcome documents of the World Summit on the Information Society,[7]

Recalling also its resolution 2006/46 of 28 July 2006 on the follow-up to the World Summit on the Information Society and review of the Commission on Science and Technology for Development and the mandate that it gave to the Commission,

Recalling further its resolution 2009/7 of 24 July 2009 on the assessment of the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society,

Recalling General Assembly resolution 64/187 of 21 December 2009 on information and communications technologies for development,

Taking note with satisfaction of the report of the Secretary-General on the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels,[8]

Taking note of the report of the Secretary-General entitled "Improvements and innovations in existing financing mechanisms: information and communications technology for development",[9]

Expressing its appreciation to the Secretary-General of the United Nations Conference on Trade and Development for his role in helping to ensure completion of the aforementioned reports in a timely manner,

Taking stock: reviewing the implementation of the outcomes of the World Summit on the Information Society

1. *Notes* the ongoing implementation of the outcomes of the World Summit on the Information Society, emphasizing in particular its multi-stakeholder nature, the roles played in this regard by leading agencies as action line facilitators and the roles of the regional commissions and the United Nations Group on the Information Society, and expresses its appreciation for the role of the Commission on Science and Technology for Development in assisting the Economic and Social Council as the focal point in the system-wide follow-up to the World Summit;

2. *Notes* the respective reports of many United Nations entities, with their own executive summaries, submitted as inputs for the elaboration of the annual report of the Secretary-General to the Commission on Science and Technology for

[7] See A/C.2/59/3, annex, and A/60/687. The outcome documents are also available from www.itu.int/WSIS/index.html.

[8] A/65/64-E/2010/12.

[9] E/CN.16/2010/3.

Development, and published on the website of the Commission as mandated in Economic and Social Council resolution 2007/8 of 25 July 2007, and recalls the importance of close coordination among the leading action line facilitators and with the secretariat of the Commission;

3. *Notes* the implementation of the outcomes of the World Summit on the Information Society at the regional level facilitated by the regional commissions, as observed in the report of the Secretary-General on progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels,[8] including the steps taken in this respect, and emphasizes the need to continue to address issues of specific interest to each region, focusing on the challenges and obstacles that each may be facing with regard to the implementation of all goals and principles established by the World Summit, with particular attention to information and communications technology for development;

4. *Reiterates* the importance of maintaining a process of coordinating the multi-stakeholder implementation of the outcomes of the World Summit through effective tools, with the goal of exchanging information among action line facilitators, identifying issues that need improvement and discussing the modalities of reporting the overall implementation process, encourages all stakeholders to continue to contribute information to the stocktaking database maintained by the International Telecommunication Union on the implementation of the goals established by the World Summit, and invites United Nations entities to update information on their initiatives in the stocktaking database;

5. *Notes* the benefits of forums such as the ICT 4 All Forum convened by Tunisia, which provided an opportunity to share national experiences in the use of information and communications technology for the development and promotion of entrepreneurship and competitiveness;

6. *Highlights* the urgent need for the incorporation of the recommendations of the outcome documents of the World Summit in the revised guidelines for United Nations country teams on preparing the common country assessments and United Nations Development Assistance Frameworks, including the addition of an information and communications technology for development component;

7. *Notes* the holding of World Summit on the Information Society Forum 2010, organized by the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization, the United Nations Conference on Trade and Development and the United Nations Development Programme as a multi-stakeholder platform for the implementation of the outcomes of the World Summit and to facilitate the implementation of the Summit action lines;

8. *Calls upon* all States, in building the information society, to take steps to avoid and to refrain from taking any unilateral measure not in accordance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries and that hinders their well-being;

9. *Reaffirms* that while the digital divide may be shrinking in some areas, many challenges remain unaddressed with significant gaps existing within economies and societies that affect the demand for and the ability to use information and communications technologies;

10. *Notes with dissatisfaction* that, for the majority of the poor, the developmental promise of science and technology, including information and communications technologies, remains unfulfilled, and emphasizes the need to effectively harness technology, including information and communications technologies, to bridge the digital divide;

11. *Recognizes* that information and communications technologies present new opportunities and challenges and that there is a pressing need to address the major impediments that developing countries face in accessing the new technologies, such as insufficient resources, infrastructure, education, capacity, investment and connectivity and issues related to technology ownership, standards and flows, and in this regard calls upon all stakeholders to provide adequate resources, enhanced capacity-building and transfer of technology to developing countries, particularly the least developed countries;

12. *Expresses concern* regarding the widening gap in broadband connectivity among countries at different levels of development, which affects many economically and socially relevant applications in areas such as government, business, health and education, and also expresses concern with regard to the special challenges faced in the area of broadband connectivity by the least developed countries, the small island developing States, the landlocked developing countries and the highly-indebted poor countries;

13. *Notes with concern* the inequality of access to broadband infrastructure and services between developed and developing nations and within nations, and in particular the broadband divide that further marginalizes the poor, the rural communities and other disadvantaged groups such as women, the disabled, and the elderly, and in this context recognizes the importance of current initiatives aimed at achieving rapid broadband deployment and the need to prioritize innovative approaches within national and regional development strategies in this regard;

14. *Welcomes* the recent establishment of the Broadband Commission for Digital Development at the initiative of the International Telecommunication Union and the United Nations Educational, Scientific and Cultural Organization, with the key aim of accelerating the attainment of the aforementioned goals through the introduction of ubiquitous access to broadband within the global partnership for development;

15. *Notes* that while a solid foundation for capacity-building in information and communications technology has been laid in many areas with regard to building the information society, there is still a need for continuing effort to address the ongoing challenges, especially for developing countries and the least developed countries, and draws attention to the positive impact of broadened capacity development that involves institutions, organizations and entities dealing with information and communications technologies and Internet governance issues;

16. *Recognizes* the need to focus on capacity development policies and sustainable support to further enhance the impact of activities and initiatives at the national and local levels aimed at providing advice, services and support with a view to building an inclusive, people-centred and development-oriented information society;

17. *Notes* that topics that were not central at the first and second phases of the World Summit in 2003 and 2005 continue to emerge, such as the potential of

information and communications technologies to combat climate change, the protection of online privacy and the empowerment and protection of vulnerable groups of society, in particular children and young people, particularly against cyberexploitation and abuse;

18. *Reiterates* the importance of information and communications technology indicators as a monitoring and evaluation tool for measuring the digital divide among countries and within societies and in informing decision makers when formulating policies and strategies for social, cultural and economic development, and emphasizes that the standardization and harmonization of reliable and regularly updated information and communications technology indicators capturing the performance, efficiency, affordability and quality of goods and services is essential for implementing information and communications technology policies;

Internet governance

19. *Reaffirms* the principles enunciated at the World Summit that the Internet has evolved into a global facility available to the public, that its governance should constitute a core issue of the information society agenda and that the international management of the Internet should be multilateral, transparent and democratic, with the full involvement of Governments, the private sector, civil society and international organizations and should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism;

20. *Reaffirms also* paragraph 35 of the Tunis Agenda for the Information Society,[10] which states that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations and that:

(a) Policy authority for Internet-related public policy issues is the sovereign right of States which have rights and responsibilities for international Internet-related public policy issues;

(b) The private sector has had, and should continue to have, an important role in the development of the Internet, in both the technical and economic fields;

(c) Civil society has played an important role on Internet matters, especially at the community level, and should continue to play such a role;

(d) Intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;

(e) International organizations have had and should continue to have an important role in the development of Internet-related technical standards and relevant policies;

21. *Recognizes* that the Internet governance-related outcomes of the World Summit, namely, the process towards enhanced cooperation and the convening of the Internet Governance Forum, are to be pursued by the Secretary-General of the United Nations through two distinct processes, and also recognizes that the two processes may be complementary;

[10] See A/60/687.

Enhanced cooperation

22. *Recalls* paragraphs 68 to 71 of the Tunis Agenda;

23. *Takes note* of the report of the Secretary-General on enhanced cooperation on public policy issues pertaining to the Internet,[11] which summarizes the responses of international organizations to the request to provide an annual report on efforts made towards enhanced cooperation, and notes the interactive deliberations of the Commission on Science and Technology for Development at its thirteenth session regarding enhanced cooperation;

24. *Invites* the Secretary-General to convene open and inclusive consultations involving all Member States and all other stakeholders with a view to assisting the process towards enhanced cooperation in order to enable Governments on an equal footing to carry out their roles and responsibilities in respect of international public policy issues pertaining to the Internet but not in respect of the day-to-day technical and operational matters that do not impact upon those issues, through a balanced participation of all stakeholders in their respective roles and responsibilities, as stated in paragraph 35 of the Tunis Agenda, and requests that the consultations be held before the end of 2010 and their outcome reported to the General Assembly for consideration at its sixty-sixth session, through the Economic and Social Council;

Internet Governance Forum

25. *Takes note* of the deliberations of the Commission on Science and Technology for Development on the fourth meeting of the Internet Governance Forum, held in Sharm El-Sheikh, Egypt, from 15 to 18 November 2009;[12]

26. *Expresses its appreciation* for the work done by the Chair, the secretariat and the host Governments of the meetings of the Internet Governance Forum and looks forward to the results of the fifth meeting, to be held in Vilnius from 14 to 17 September 2010;

27. *Takes note* of the recent emergence of several forums on Internet governance at the regional and national levels;

28. *Takes note also* of the deliberations of the meetings of the Internet Governance Forum, in which all stakeholders engage in a multi-stakeholder policy dialogue on a wide range of Internet governance issues, as mandated in paragraph 72 of the Tunis Agenda;

29. *Takes note further* of the interactive discussions of the fourth meeting of the Internet Governance Forum, including those held during the stocktaking session chaired by the Under-Secretary-General for Economic and Social Affairs in response to paragraph 76 of the Tunis Agenda, in which the Secretary-General of the United Nations was requested to examine the desirability of the continuation of the Forum, in consultation with Forum participants, within five years of its creation and to make recommendations to the Member States in this regard, and notes the

[11] E/2009/92.

[12] See *Official Records of the Economic and Social Council, 2010, Supplement No. 11* (E/2010/31), chap. III.

engagement of Forum participants through online contributions and through statements delivered during the stocktaking session;

30. *Invites* the Chair of the Commission on Science and Technology for Development to establish, in an open and inclusive manner, a working group which would seek, compile and review inputs from all Member States and all other stakeholders on improvements to the Internet Governance Forum, in line with the mandate set out in the Tunis Agenda, and would make recommendations, as appropriate, to the Commission at its fourteenth session in 2011, in a report that would constitute an input from the Commission to the General Assembly, through the Economic and Social Council, should the mandate of the Internet Governance Forum be extended;

The road ahead

31. *Urges* United Nations entities still not actively cooperating in the implementation of the outcomes of the World Summit through the United Nations system and in its follow-up to take the necessary steps and commit to a people-centred, inclusive and development-oriented information society and to catalyse the attainment of the internationally agreed development goals, including those contained in the United Nations Millennium Declaration;[13]

32. *Calls upon* all stakeholders to keep the goal of bridging the digital divide an area of priority concern, put into effect sound strategies that contribute to the development of e-government and continue to focus on pro-poor information and communications technology policies and applications, including access to broadband at the grass-roots level, with a view to narrowing the digital divide among and within countries;

33. *Urges* all stakeholders to prioritize the development of innovative approaches that will stimulate the provision of universal access to affordable broadband infrastructure for developing countries and the use of relevant broadband services in order to ensure the development of an inclusive, development-orientated and people-centred information society, and to minimize the digital divide;

34. *Calls upon* international and regional organizations to continue to assess and report on a regular basis on the universal accessibility of nations to information and communications technologies, with the aim of creating equitable opportunities for the growth of the information and communications technology sectors of developing countries;

35. *Urges* all countries to make concrete efforts to fulfil their commitments under the Monterrey Consensus of the International Conference on Financing for Development;[14]

36. *Calls upon* United Nations organizations and other relevant organizations and forums, in accordance with the outcomes of the World Summit, to periodically review and modify the methodologies for information and communications

[13] See General Assembly resolution 55/2.

[14] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

technology indicators, taking into account different levels of development and national circumstances;

37. *Invites* the international community to make voluntary contributions to the special trust fund established by the United Nations Conference on Trade and Development to support the review and assessment work of the Commission on Science and Technology for Development regarding follow-up to the World Summit on the Information Society;

38. *Requests* the Secretary-General to submit to the Commission, on a yearly basis, a report on the implementation of the recommendations contained in Economic and Social Council resolutions on the assessment of the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society.

39th plenary meeting
19 July 2010

2010/3
Science and technology for development

The Economic and Social Council,

Recalling the 2005 World Summit Outcome, which emphasizes the role of science and technology, including information and communications technologies, as vital for the achievement of the internationally agreed development goals, and reaffirming the commitments contained therein, especially support for efforts of developing countries, individually and collectively, to harness new agricultural technologies in order to increase agricultural productivity through environmentally sustainable means,[15]

Recalling that the United Nations Conference on Trade and Development is the secretariat of the Commission on Science and Technology for Development,

Recalling the work of the Commission on Science and Technology for Development during the intersessional period 2008–2009 on its two substantive themes "Science, technology and engineering for innovation and capacity-building in education and research" and "Development-oriented policies for a socio-economically inclusive information society, including policies relating to access, infrastructure and an enabling environment",

Welcoming the work of the Commission on Science and Technology for Development on its two current substantive themes "New and emerging technologies" and "Improvements and innovations in existing financing mechanisms" and its role as the United Nations torch-bearer for science, technology and innovation,

Recognizing the critical role of innovation in maintaining national competitiveness in the global economy,

[15] See General Assembly resolution 60/1, para. 60.

Recognizing also the importance of science, technology and innovation policy reviews in assisting developing countries to improve their innovation systems,

Recalling the commitments made at the Fourth World Conference on Women held in Beijing from 4 to 15 September 1995, in particular the strategic objectives and actions contained in section K, Women and the environment, of chapter IV of the Beijing Platform for Action,[16]

Recalling also its call for mainstreaming a gender perspective into all policies and programmes of the United Nations system,[17]

Taking note of the outcomes of the intersessional panel meeting of the Commission, held in Geneva from 9 to 11 November 2009, and the summary report prepared by the secretariat of the United Nations Conference on Trade and Development,[18]

Taking note also of the reports of the Secretary-General submitted to the Commission on Science and Technology for Development at its thirteenth session,[19]

Extending its appreciation to the Secretary-General of the United Nations Conference on Trade and Development for his role in helping to ensure completion of the aforementioned reports in a timely manner,

Noting that the achievement of the internationally agreed development goals and objectives, including the Millennium Development Goals, is highly dependent on an increase in access to modern energy services and that the deployment of renewable energy technologies should be one of the key components of any strategy aimed at achieving this increase,

Recognizing that the deployment of renewable energy technologies requires the application of new and emerging technologies, including, among others, material science, nanotechnology, biotechnology and information and communications technologies,

Recognizing also that the sustainable deployment of emerging technologies can be facilitated by the transfer of technology, under mutually agreed conditions, an increase in domestic capabilities to develop, deploy and maintain technologies to meet local needs, the adoption of innovative financial mechanisms to power investment and the integration into national development agendas of strategies for the deployment of renewable energy technologies,

Recognizing further that any such strategy must be complemented by the transfer of skills and expertise to develop, adapt and modify renewable energy technologies, where necessary, to local conditions and capabilities, including the needs and capabilities of women, and be supported by financing, technology, science and engineering training centres and knowledge networks in order to maximize the use and promote the enhancement of such capabilities,

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[16] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[17] Economic and Social Council agreed conclusions 1997/2.

[18] E/CN.16/2010/CRP.1.

[19] E/CN.16/2010/3 and E/CN.16/2010/4.

Decides to make the following recommendations for consideration by Governments, the Commission on Science and Technology for Development and the United Nations Conference on Trade and Development:

(a) Governments are encouraged to take into account the findings of the Commission and undertake the following actions:

(i) Ensure that governmental priorities incorporate multi-stakeholder engagement in decision-making in regard to programme design, implementation, deployment, monitoring and evaluation, and take into consideration local populations and mainstreaming of a gender perspective in the deployment of new and emerging and renewable energy technologies;

(ii) Provide an enabling environment that encourages private and public sector initiatives in new and emerging technologies and the generation and dissemination of renewable energy technologies, including supporting universities and research centres linked to global learning networks and national diaspora, and funded through a range of sources such as Governments, donors, venture capitalists and/or public-private partnerships dedicated to renewable energy technologies;

(iii) Adopt economic, regulatory and governmental procurement policies to foster competition and private sector development and attract domestic and foreign direct investment;

(iv) Consider the application of appropriate policy instruments in the private sector, such as incentives, subsidy schemes, feed-in tariffs, tax credits, financial guarantees and reduction of import duties, to support technology deployment in market niches and encourage joint ventures and foreign direct investment in the manufacture and use of renewable energy technologies;

(v) Enhance local innovative capabilities in the area of new and emerging technologies and renewable energy technologies with improved efficiency, developed and adapted to local conditions through support for research, extension services, capacity-building and other related activities;

(vi) Encourage private enterprises to adopt and deploy renewable energy technologies through public-private partnerships;

(vii) Promote the establishment of science and technology parks, business incubators and innovation clusters to induce private sector participation in the development, growth and commercialization of new and emerging technologies, including renewable energy technologies;

(b) The international community is encouraged to enhance the provision of technical assistance in capacity-building and strategic planning to promote new and emerging technologies and renewable energy technologies;

(c) The Commission on Science and Technology for Development is:

(i) Encouraged to continue serving as a platform for sharing examples of good practice and promoting North-South and South-South partnerships, especially in regard to new and emerging technologies and the transfer and deployment of renewable energy technologies;

(ii) Encouraged to promote, in the context of the Internet-based science, technology and innovation collaborative network established in response to Economic and Social Council resolution 2009/8, collaborative networking and initiation and hosting of subregional networks as operational models for replication, with the cooperation of the United Nations Conference on Trade and Development secretariat and the International Trade Centre;

(iii) Invited to make a contribution, in close collaboration with its Gender Advisory Board, to the consideration by the Commission on the Status of Women at its fifty-fifth session of the theme "Access to and participation of women and girls in education, training, science and technology, including for the promotion of women's equal access to full employment and decent work";

(iv) Encouraged to collaborate with the World Intellectual Property Organization in the facilitation of access to the database of research for development and innovation at minimum cost for all developing countries;

(d) The United Nations Conference on Trade and Development is encouraged:

(i) To increase significantly its efforts to conduct science, technology and innovation policy reviews in response to a high demand from member countries, in close collaboration with other relevant international organizations, particularly the United Nations Educational, Scientific and Cultural Organization, and with the Commission on Science and Technology for Development, the regional commissions and other appropriate stakeholders, including the World Bank and other international and regional development banks, with a view to assisting developing countries in strengthening their science, technology and innovation systems;

(ii) To carry out, in collaboration with other relevant international organizations such as the United Nations Industrial Development Organization, the United Nations Educational, Scientific and Cultural Organization and the International Renewable Energy Agency, a review of national experiences in developing local innovative capabilities related to new and emerging technologies and renewable energy technologies, including educational programmes and long-term training activities;

(iii) To survey collaborative research and development mechanisms that have been effective in facilitating the development and deployment of new and emerging technologies and renewable energy technologies through the global science and innovation infrastructure, including universities, institutions, centres of excellence, business incubators, science and technology parks and other innovation modalities, with a view to assisting developing countries to build capabilities;

(iv) To carry out research into how developing countries could integrate the deployment of renewable energy technologies into their national development and science, technology and innovation strategies, especially those related to

poverty reduction and meeting the internationally agreed development goals and objectives, including the Millennium Development Goals, taking into account a gender perspective.

39th plenary meeting
19 July 2010

2010/4
Venue of the thirty-fourth session of the Economic Commission for Latin America and the Caribbean

The Economic and Social Council,

Bearing in mind paragraph 15 of the terms of reference of the Economic Commission for Latin America and the Caribbean, as well as rules 1 and 2 of the rules of procedure of the Commission,

Considering the invitation of El Salvador to host the thirty-fourth session of the Commission,

1. *Expresses its gratitude* to the Government of El Salvador for its generous invitation;

2. *Notes* the acceptance by the Economic Commission for Latin America and the Caribbean of this invitation with pleasure;

3. *Endorses* the decision of the Commission to hold its thirty-fourth session in El Salvador in the first half of 2012.

42nd plenary meeting
20 July 2010

2010/5
Establishment of the Economic and Social Commission for Western Asia Technology Centre

The Economic and Social Council,

Noting the adoption by the Economic and Social Commission for Western Asia at its twenty-sixth session, held in Beirut from 17 to 20 May 2010, of its resolution 294 (XXI) on the establishment of the Economic and Social Commission for Western Asia Technology Centre, by which the Commission adopted the statute of the Centre,

Endorses the resolution on the establishment of the Economic and Social Commission for Western Asia Technology Centre and the statute of the Centre, as set out in annexes I and II to the present resolution.

42nd plenary meeting
20 July 2010

Annex I

Establishment of the Economic and Social Commission for Western Asia Technology Centre

The Economic and Social Commission for Western Asia,

Recalling the 2005 World Summit Outcome,[20] Economic and Social Council resolution 2004/68 of 5 November 2004 and the United Nations Millennium Declaration,[13] in which the promotion of science and technology was identified as a United Nations priority,

Recalling also General Assembly resolution 64/222 of 21 December 2009 adopting the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation, in which the Assembly emphasized the need to promote, including through South-South cooperation, access to and the transfer of technology,

Further recalling its resolution 284 (XXV) of 29 May 2008, by which the Commission approved the establishment of the Economic and Social Commission for Western Asia Technology Centre for Development,

Expressing its appreciation to Jordan for its offer to host the Centre, and noting that resources for the centre should come from the following sources:

(a) Support from the host country;

(b) Support from the Economic and Social Commission for Western Asia;

(c) Income received by the Centre for services provided to beneficiaries;

(d) Any other funding sources approved by the board of governors.

1. *Adopts* the statute of the Economic and Social Commission for Western Asia Technology Centre, in accordance with the present resolution, as the basis for its operations;

2. *Requests* the Executive Secretary to take all necessary steps for the prompt establishment of the Centre, including the conclusion of a headquarters agreement between the host country and the United Nations;

3. *Also requests* the Executive Secretary to establish the first founding board of governors by soliciting nominations from member countries;

4. *Further requests* the Executive Secretary to report to the Commission at its twenty-seventh session on the implementation of the present resolution, including the initial operating phase of the Centre, and the achievements of the Commission in that regard.

[20] See General Assembly resolution 60/1.

Annex II

Statute of the Economic and Social Commission for Western Asia Technology Centre

Establishment

1. The Economic and Social Commission for Western Asia Technology Centre shall be established in accordance with the following terms and conditions.

Mission

2. The mission of the Centre is to assist members of the Economic and Social Commission for Western Asia and public and private organizations to acquire the tools and capabilities necessary to accelerate socio-economic development in order to attain technological parity with other nations and regions of the world, and to contribute to the conversion of the economies of member countries into economies based on scientific and technological knowledge.

Objectives

3. The objectives of the Centre are to assist the members of the Economic and Social Commission for Western Asia by strengthening their capabilities to develop and manage national systems; develop, transfer, adapt and apply technology; determine the suitable technology for the region and facilitate its development and improve the legal and commercial framework for the transfer of technology. The Centre also aims at enhancing the technological and scientific knowledge content of major economic sectors in member countries.

Functions

4. The Centre will achieve the above objectives by undertaking such functions as:

(a) Conducting research and analysis of trends, conditions and opportunities;

(b) Providing advisory services;

(c) Disseminating information and promoting good practices;

(d) Developing partnerships and other networks with regional and international organizations and key stakeholders;

(e) Training national personnel, particularly scientists and policy analysts;

(f) Assessing the scientific and technological level and content of production and service sectors and measuring performance indicators of those sectors in the localization of scientific and technological knowledge.

Status and organization

5. The Centre shall have a Board of Governors (herein referred to as "the Board"), an Executive Director and staff, and a Technical Committee.

6. The Centre shall be located in Amman, Jordan. A host country agreement shall be concluded between the Government of Jordan and the United Nations.

7. The activities of the Centre shall be in line with relevant resolutions and decisions adopted by the General Assembly, the Economic and Social Council and the Commission. The Centre shall be subject to the Financial and Staff Regulations and Rules of the United Nations and applicable administrative instructions and issuances.

Board of Governors

8. The Centre shall have a Board of Governors consisting of a standing representative designated by the Government of Jordan, and no fewer than six additional representatives nominated by the other members of the Economic and Social Commission for Western Asia and elected by the Commission. The representatives who are elected by the Commission shall be elected for a period of three years and shall be eligible for re-election one more time only. If a representative is unable to serve for the full term, the vacancy shall be filled by the Government of that representative. The Executive Secretary of the Economic and Social Commission for Western Asia or his/her representative shall attend meetings of the Board but shall not have the right to vote.

9. During the two-year establishment period, a Board of Governors will be constituted comprising representatives of all member countries who so wish.

10. The Executive Director of the Centre shall serve as secretary of the Board of Governors and, in such capacity, shall keep and circulate minutes of Board meetings to its members.

11. Representatives of (a) any State Member of the United Nations, (b) United Nations bodies and specialized and related agencies, and (c) such other organizations as the Board may deem appropriate as well as experts in fields of interest to the Board may, at the Board's discretion, be invited to attend Board meetings.

12. The Board shall meet at least once a year and shall adopt its own rules of procedure. Sessions of the Board shall be convened by the Executive Secretary of the Economic and Social Commission for Western Asia, who may propose special sessions of the Board at his/her own initiative and shall convene such special sessions at the request of a majority of Board members.

13. A quorum for Board meetings shall be a majority of its members.

14. Each member of the Board shall have one vote. Decisions and recommendations of the Board shall be made by consensus or, where this is not possible, by a majority of the members present and voting. For the purposes of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

15. The Board shall, at each regular session, elect a chair and vice-chair. The chair and the vice-chair shall hold office until the next regular session of the Board. The chair or, in his/her absence, the vice-chair shall preside at Board meetings. If the chair is unable to serve for the full session for which he/she has been elected, the vice-chair shall act as chair for the remainder of that session.

16. The Board shall review the administration and financial status of the Centre and the implementation of its programme of work. The Executive Secretary of the Economic and Social Commission for Western Asia shall submit an annual report as adopted by the Board to the Commission at its regular sessions.

Executive Director and staff

17. The Centre shall have an Executive Director and such additional staff as are appointed by the Secretary-General in accordance with United Nations regulations, rules and administrative instructions. The Executive Director and additional staff shall have the status of Economic and Social Commission for Western Asia staff members.

18. The Executive Director shall be responsible to the Executive Secretary of the Economic and Social Commission for Western Asia for the administration of the Centre and the implementation of its programme of work.

Technical Committee

19. The Centre shall have a Technical Committee consisting of experts from members of the Economic and Social Commission for Western Asia and from intergovernmental and non-governmental organizations. Members of the technical committee shall be appointed by the Executive Director in consultation with the Executive Secretary of the Commission.

20. The Technical Committee shall be responsible for advising the Executive Director on the formulation of the programme of work and on other technical matters concerning the Centre's operations.

21. Reports of meetings of the Technical Committee, and the Executive Director's observations thereon, shall be submitted to the Board at its next session.

22. The chair at each meeting of the Technical Committee shall be elected by the majority vote of those members of the Technical Committee present and voting.

Resources of the Centre

23. The Centre shall be financed from the following sources:

(a) Support from the host country;

(b) Support from the Economic and Social Commission for Western Asia;

(c) Income received by the Centre for services provided to beneficiaries;

(d) Any other funding sources approved by the Board of Governors.

24. The Centre will endeavour to mobilize sufficient resources to support its activities in addition to those received from the host country pursuant to the agreement signed between the host country and the United Nations.

25. The United Nations shall maintain separate trust funds for donations for technical cooperation projects or other special contributions for activities of the Centre.

26. The financial resources of the Centre shall be administered in accordance with the Financial Regulations and Rules of the United Nations.

Amendments

27. Amendments to the present statute shall be adopted by the Economic and Social Commission for Western Asia.

28. In the event of any procedural matter arising that is not covered by the present statute or rules of procedure adopted by the Board of Governors, the pertinent part of the terms of reference and rules of procedure of the Economic and Social Commission for Western Asia shall apply.

Entry into force

29. The present statute shall enter into force on the date of its adoption by the Commission.

2010/6
Situation of and assistance to Palestinian women

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General,[21]

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women,[22] in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action adopted at the Fourth World Conference on Women,[16] and the outcomes of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[23]

Recalling also its resolution 2009/14 of 28 July 2009 and other relevant United Nations resolutions, including General Assembly resolution 57/337 of 3 July 2003, on the prevention of armed conflict, and Security Council resolution 1325 (2000) of 31 October 2000, on women and peace and security,

Recalling further the Declaration on the Elimination of Violence against Women[24] as it concerns the protection of civilian populations,

Recalling the International Covenant on Civil and Political Rights,[25] the International Covenant on Economic, Social and Cultural Rights[25] and the Convention on the Rights of the Child,[26] and reaffirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

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[21] E/CN.6/2010/4.

[22] *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15–26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[23] General Assembly resolution S-23/2, annex, and resolution S-23/3, annex.

[24] See General Assembly resolution 48/104.

[25] See General Assembly resolution 2200 A (XXI), annex.

[26] United Nations, *Treaty Series*, vol. 1577, No. 27531.

Expressing deep concern about the grave situation of Palestinian women in the Occupied Palestinian Territory, including East Jerusalem, resulting from the severe impact of the ongoing illegal Israeli occupation and all of its manifestations,

Expressing grave concern also about the increased difficulties being faced by Palestinian women and girls living under Israeli occupation, including the continuation of home demolitions, sharp increase in poverty, soaring unemployment, increased food insecurity, incidents of domestic violence, and declining health, education and living standards, including the rising incidence of trauma and decline in their psychological well-being, and expressing grave concern about the deepening humanitarian crisis and rising insecurity and instability on the ground in the Occupied Palestinian Territory, in particular in the Gaza Strip,

Deploring the deteriorating economic and social conditions of Palestinian women and girls in the Occupied Palestinian Territory, including East Jerusalem, and the systematic violation of their human rights resulting from the severe impact of ongoing illegal Israeli practices, including the construction and expansion of settlements and the Wall and the continued imposition of closures and restrictions on the movement of persons and goods, which have detrimentally affected their right to health care, including access for pregnant women to health services for antenatal care and safe delivery, education, employment, development and freedom of movement,

Gravely concerned, in particular, about the continuing deterioration in the socio-economic and humanitarian situation in the Gaza Strip, including that resulting from the Israeli military operations and the imposition of a blockade consisting of the prolonged closure of border crossings and severe restrictions on the movement of all persons and goods, which has detrimentally affected every aspect of the lives of the civilian population, especially women and children, in the Gaza Strip,

Stressing the importance of providing assistance, especially emergency assistance, to alleviate the dire socio-economic and humanitarian situation being faced by Palestinian women and their families,

Emphasizing the importance of increasing the role of women in peacebuilding and decision-making with regard to conflict prevention and the peaceful resolution of conflicts as part of efforts to ensure the safety and well-being of all women in the region, and stressing the importance of their equal participation and involvement in all efforts for the achievement, maintenance and promotion of peace and security,

1. *Urges* the international community to continue to give special attention to the promotion and protection of the human rights of Palestinian women and girls and to intensify its measures to improve the difficult conditions being faced by Palestinian women and their families living under Israeli occupation;

2. *Reaffirms* that the Israeli occupation remains the major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development of their society, and stresses the importance of efforts to increase their role in decision-making with regard to conflict prevention and resolution and to ensure their equal participation and involvement in all efforts for the achievement, maintenance and promotion of peace and security;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights,[27] the Regulations annexed to The Hague Convention IV of 18 October 1907,[28] the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[29] and all other relevant rules, principles and instruments of international law, including the international human rights Covenants, in order to protect the rights of Palestinian women and their families;

4. *Calls upon* Israel to facilitate the return of all refugees and displaced Palestinian women and children to their homes and properties, in compliance with the relevant United Nations resolutions;

5. *Calls upon* the international community to continue to provide urgently needed assistance, especially emergency assistance, and services in an effort to alleviate the dire humanitarian crisis being faced by Palestinian women and their families and to help in the reconstruction of relevant Palestinian institutions, with the integration of a gender perspective into all of its international assistance programmes;

6. *Requests* the Commission on the Status of Women to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women,[22] in particular paragraph 260 concerning Palestinian women and children, the Beijing Platform for Action[16] and the outcomes of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century";[23]

7. *Requests* the Secretary-General to continue to review the situation, to assist Palestinian women by all available means, including those laid out in the report of the Secretary-General on the situation of and assistance to Palestinian women,[21] and to submit to the Commission on the Status of Women at its fifty-fifth session a report, including information provided by the Economic and Social Commission for Western Asia, on the progress made in the implementation of the present resolution.

42nd plenary meeting
20 July 2010

2010/7
Strengthening the institutional arrangements for support of gender equality and the empowerment of women

The Economic and Social Council,

Recalling its resolution 1998 (LX) of 12 May 1976 establishing the International Research and Training Institute for the Advancement of Women,

Recalling also General Assembly resolution 64/289 of 2 July 2010, and in particular the section entitled "Strengthening the institutional arrangements for

[27] General Assembly resolution 217 A (III).

[28] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[29] United Nations, *Treaty Series*, vol. 75, No. 973.

support of gender equality and the empowerment of women", and the establishment, as a composite entity, of a United Nations Entity for Gender Equality and the Empowerment of Women, to be known as UN Women,

Taking note of the transitional arrangements set out in paragraphs 81 to 88 of resolution 64/289, and in particular paragraphs 82, 83, 84, 87 and 88,

Expressing its deep gratitude for the support offered by the host country during all the years of operation of the Institute,

Decides to dissolve the International Research and Training Institute for the Advancement of Women as of the date of the adoption of the present resolution.

42nd plenary meeting
20 July 2010

2010/8
Tobacco use and maternal and child health

The Economic and Social Council,

Taking note of the report of the Secretary-General on the Ad Hoc Inter-Agency Task Force on Tobacco Control,[30] emphasizing the need for a multisectoral and inter-agency response to the tobacco epidemic at the country and international levels,

Recognizing the adverse impact of tobacco use on public health, as well as its social, economic and environmental consequences, including for efforts towards poverty eradication,

Considering the serious consequences of tobacco use for maternal and child health,

Recalling the preamble to the World Health Organization Framework Convention on Tobacco Control,[31] and recognizing the increase in tobacco use among women and young girls as well as the devastating impact of exposure to tobacco smoke,

Acknowledging the effectiveness of tobacco control measures for the improvement of health,

Emphasizing the importance of protecting the well-being of women and their children,

1. *Urges* Member States to consider the importance of tobacco control in improving maternal and child health as part of their public health policies and in their development cooperation programmes;

2. *Recognizes* the importance of promoting tobacco control policies that include children, young people and the family;

[30] E/2010/55 and Corr.1.

[31] United Nations, *Treaty Series*, vol. 2302, No. 41032.

3. *Calls upon* Member States to include tobacco control in their efforts to improve public health, including maternal and child health, and reduce child mortality, through protecting children and pregnant women from tobacco use and exposure to tobacco smoke;

4. *Calls upon* all relevant United Nations funds, programmes and specialized agencies to work together to promote the reduction of tobacco use among women, in particular women of reproductive age, and those around them;

5. *Requests* the Secretary-General, in consultation with and with the support of the World Health Organization, to convene a meeting of the Ad Hoc Inter-Agency Task Force on Tobacco Control, in accordance with paragraph 50 (h) of the report of the Secretary-General,[30] to discuss further strengthening of the multisectorial and inter-agency response to the global tobacco epidemic, and to report thereon to the Council;

6. *Also requests* the Secretary-General to submit a report on the work of the Ad Hoc Inter-Agency Task Force on Tobacco Control to the Economic and Social Council at its substantive session of 2012.

45th plenary meeting
22 July 2010

2010/9
Report of the Committee for Development Policy on its twelfth session

The Economic and Social Council,

Recalling General Assembly resolutions 59/209 of 20 December 2004 on a smooth transition strategy for countries graduating from the list of least developed countries, and 63/227 of 19 December 2008 on the implementation of the Brussels Programme of Action for the Least Developed Countries for the Decade 2001–2010;

Recalling also its resolutions 2007/34 of 27 July 2007, 2009/17 of 29 July 2009 and 2009/35 of 31 July 2009,

Expressing its conviction that countries graduating from the least developed country category should be able to continue and sustain their progress and development,

1. *Takes note* of the report of the Committee for Development Policy on its twelfth session;[32]

2. *Decides* to forward the chapter on international support measures for the least developed countries to the Preparatory Committee of the Fourth United Nations Conference on the Least Developed Countries for further consideration in the preparations for that Conference;

[32] *Official Records of the Economic and Social Council, 2010, Supplement No. 13* (E/2010/33).

3. *Requests* the Committee for Development Policy, at its thirteenth session, to examine and make recommendations on the themes chosen by the Economic and Social Council for the high-level segment of its substantive session of 2011;

4. *Takes note* of the proposals made by the Committee regarding its future programme of work;

5. *Reiterates* the importance for development partners to implement concrete measures in support of the transition strategy for ensuring durable graduation;

6. *Requests* the Committee to continue to monitor the development progress of countries graduating from the list of least developed countries and to include its findings in its annual report to the Economic and Social Council;

7. *Invites* the Chairperson and, as necessary, other members of the Committee to continue the practice of reporting orally on the work of the Committee.

45th plenary meeting
22 July 2010

2010/10
Future organization and methods of work of the Commission for Social Development

The Economic and Social Council,

Recalling its resolutions 2005/11 of 21 July 2005 and 2006/18 of 26 July 2006 on the future organization and methods of work of the Commission for Social Development,

Recalling also its resolution 2008/19 of 24 July 2008, in which the Economic and Social Council noted the usefulness of identifying the theme for the 2011–2012 review and policy cycle during the forty-eighth session of the Commission,

1. *Recalls* its decision in resolution 2008/19 to maintain the two-year review and policy cycle until its fiftieth session;

2. *Decides* that the priority theme for the 2011–2012 review and policy cycle should be poverty eradication, taking into account its relationship with social integration and full employment and decent work for all;

3. *Stresses* the importance of identifying relevant sub-themes within the priority theme to focus interventions and discussions and of taking into account cross-cutting issues during each session of the Commission for Social Development;

4. *Notes* the usefulness of identifying the theme for the 2013–2014 review and policy cycle during the fiftieth session of the Commission;

5. *Recommends* that, in order to enhance the effectiveness of the work of the Commission, the officers elected to the Bureau of the Commission serve for a term of office of two years, in parallel with the review and policy cycle;

6. *Invites* all relevant stakeholders to continue to participate in the work of the Commission at an appropriately high level;

7. *Decides* that the Commission for Social Development should keep its methods of work under review.

45th plenary meeting
22 July 2010

2010/11
Social dimensions of the New Partnership for Africa's Development

The Economic and Social Council,

Recalling the outcomes of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995,[33] and the twenty-fourth special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", held in Geneva from 26 June to 1 July 2000,[34]

Reaffirming the United Nations Millennium Declaration of 8 September 2000,[13] the United Nations Declaration on the New Partnership for Africa's Development of 16 September 2002,[35] General Assembly resolution 57/7 of 4 November 2002 on the final review and appraisal of the United Nations New Agenda for the Development of Africa in the 1990s and support for the New Partnership for Africa's Development,[36]

Noting the conclusions of the African Union Extraordinary Summit on Employment and Poverty Alleviation in Africa, held in Ouagadougou on 8 and 9 September 2004,

Recognizing the commitments made in meeting the special needs of Africa at the 2005 World Summit[20] and contained in the political declaration adopted on 22 September 2008 at the high-level meeting held at United Nations Headquarters to address Africa's development needs,[37]

Remaining concerned that Africa is the only continent currently not on track to achieve any of the goals set out in the Millennium Declaration by 2015, and in this regard emphasizing that concerted efforts and continued support are required to fulfil the commitments to address the special needs of Africa,

Expressing deep concern that attainment of the social development objectives may be hindered by the economic and financial crisis, as well as challenges brought about by the food and energy crisis and by climate change,

Recognizing that capacity-building, knowledge-sharing and best practices are essential for the successful implementation of the New Partnership for Africa's

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[33] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[34] General Assembly resolution S-24/2, annex.

[35] See General Assembly resolution 57/2.

[36] A/57/304, annex.

[37] See General Assembly resolution 63/1.

Development, and recognizing also the need for continued support from the international community, New Partnership for Africa's Development partners and United Nations agencies,

Bearing in mind that African countries have primary responsibility for their own economic and social development, that the role of national policies and development strategies cannot be overemphasized and that their development efforts need to be supported by an enabling international economic environment, and in this regard recalling the support given by the International Conference on Financing for Development[38] to the New Partnership,

1. *Takes note* of the report of the Secretary-General;[39]

2. *Welcomes* the progress made by African countries in fulfilling their commitments in the implementation of the New Partnership for Africa's Development[16] to deepen democracy, human rights, good governance and sound economic management, and encourages African countries, with the participation of stakeholders, including civil society and the private sector, to intensify their efforts in this regard by developing and strengthening institutions for governance and creating an environment conducive to attracting foreign direct investment for the development of the region;

3. *Also welcomes* the progress that has been achieved in implementing the African Peer Review Mechanism, as reflected in particular by the number of countries that have signed up to participate in the Mechanism, the completion of the peer review process in some countries, the progress in implementing the recommendations of those reviews in some countries and the completion of the self-assessment process, the hosting of country support missions and the launching of the national preparatory process for the peer review in others, and urges African States that have not yet done so to join the peer review, as a matter of priority, and to strengthen the peer review process so as to ensure its efficient performance;

4. *Welcomes*, in particular, the organization of the first session of the African Union Conference of Ministers in Charge of Social Development, and recalls in this regard the African Common Position on Social Integration and the Social Policy Framework for Africa, which has been endorsed by Africa's Heads of State;

5. *Also welcomes* the efforts made by African countries and regional and subregional organizations, including the African Union, to mainstream a gender perspective and the empowerment of women in the implementation of the New Partnership, including the implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

6. *Emphasizes* that the African Union and the regional economic communities have a critical role to play in the implementation of the New Partnership, and in this regard encourages African countries, with the assistance of their development partners, to increase and coordinate effectively their support for

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[38] See *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[39] E/CN.5/2010/3.

enhancing the capacities of these institutions and to promote regional cooperation and social and economic integration in Africa;

7. *Also emphasizes* that progress in the implementation of the New Partnership for Africa's Development depends also on a favourable national and international environment for Africa's growth and development, including measures to promote a policy environment conducive to private sector development and entrepreneurship;

8. *Further emphasizes* that democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society, including non-governmental and community-based organizations, and the private sector are among the indispensable foundations for the realization of social and people-centred sustainable development;

9. *Emphasizes* that the increasing unacceptably high poverty levels and social exclusion faced by most African countries require a comprehensive approach to the development and implementation of social and economic policies, inter alia, to reduce poverty, promote economic activity, growth and sustainable development to ensure employment creation and decent work for all, promote education, health and social protection and to enhance social inclusion, political stability, democracy and good governance and the promotion and protection of human rights and fundamental freedoms, so as to ensure the achievement of Africa's social and economic objectives;

10. *Recognizes* that, while social development is primarily the responsibility of Governments, international cooperation and assistance are essential for the full achievement of that goal;

11. *Also recognizes* the contribution made by Member States to the implementation of the New Partnership in the context of South-South cooperation, and encourages the international community, including the international financial institutions, to support the efforts of African countries, including through trilateral cooperation;

12. *Welcomes* the various important initiatives of Africa's development partners in recent years, and in this regard emphasizes the importance of coordination in such initiatives on Africa by ensuring the effective implementation of existing commitments, including through the African Union/New Partnership for Africa's Development African Action Plan 2010–2015;

13. *Recognizes* the regional coordination mechanism of United Nations agencies and organizations working in Africa in support of the African Union and its New Partnership for Africa's Development Programme of Action, which aims to ensure coordination and coherence in the delivery of support for greater effectiveness and impact through increased joint programming and joint implementation of activities;

14. *Urges* continuous support of measures to address the challenges of poverty eradication and sustainable development in Africa, with special emphasis on the millennium development goals related to poverty and hunger, health, education, empowerment of women and gender equality, including, as appropriate, debt relief, improved market access, support for the private sector and entrepreneurship,

enhanced official development assistance, increased foreign direct investment and transfer of technology on mutually agreed terms, empowerment of women in all aspects, including economic and political aspects, the promotion of social protection systems and the conclusion of the round of negotiations of the World Trade Organization;

15. *Recognizes* that the implementation of the commitments made by Governments during the first United Nations Decade for the Eradication of Poverty has fallen short of expectations, and welcomes the proclamation of the Second Decade (2008–2017) by the General Assembly in its resolution 62/205 of 19 December 2007 in order to support, in an efficient and coordinated manner, the internationally agreed development goals related to poverty eradication, including the Millennium Development Goals;

16. *Encourages* all development partners to implement the principles of aid effectiveness, as recalled in the Doha Declaration on Financing for Development[40] adopted by the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus on 2 December 2008;

17. *Recognizes* the need for national Governments and the international community to make continued efforts to increase the flow of new and additional resources for financing for development from all sources, public and private, domestic and foreign, to support the development of African countries;

18. *Acknowledges* the activities of the Bretton Woods institutions and the African Development Bank in African countries, and invites those institutions to continue their support for the implementation of the priorities and objectives of the New Partnership;

19. *Encourages* Africa's development partners to continue to integrate the priorities, values and principles of the New Partnership into their development assistance programmes;

20. *Encourages* African countries and their development partners to place people at the centre of Government development action and to secure core investment spending in health, education and social safety nets;

21. *Notes* the growing collaboration among the entities of the United Nations system in support of the New Partnership, and requests the Secretary-General to promote greater coherence in the work of the United Nations system in support of the New Partnership, on the basis of the agreed clusters;

22. *Emphasizes* the importance for the cluster working on communication, advocacy and outreach to continue to muster international support for the New Partnership and to urge the United Nations system to demonstrate more evidence of cross-sectoral synergies to promote a comprehensive approach regarding successive phases of planning and implementation of social development programmes in Africa;

23. *Invites* the Secretary-General, as a follow-up to the 2005 World Summit, to urge the organizations and bodies of the United Nations system to assist African countries in implementing quick-impact initiatives, based on their national

[40] General Assembly resolution 63/239, annex.

development priorities and strategies, to enable them to achieve the Millennium Development Goals, and in this respect acknowledges commitments made by development partners;

24. *Encourages* the international community to support African countries in addressing the challenges of climate change by providing the financial and technological resources and capacity-building needed to support adaptation and mitigation action;

25. *Requests* the Secretary-General to continue to take measures to strengthen the Office of the Special Adviser on Africa, and requests the Office to collaborate with the Department of Economic and Social Affairs of the Secretariat and to include the social dimensions of the New Partnership in its comprehensive reports to the General Assembly at its sixty-fifth session;

26. *Requests* the Commission for Social Development to discuss in its annual programme of work those regional programmes that promote social development so as to enable all regions to share experiences and best practices, with the agreement of concerned countries, and in this regard, work programmes of the Commission should include priority areas of the New Partnership, as appropriate;

27. *Decides* that the Commission for Social Development should continue to give prominence to and raise awareness of the social dimensions of the New Partnership during its forty-ninth session;

28. *Requests* the Secretary-General to submit a report on the social dimensions of the New Partnership for Africa's Development, to be considered and discussed during the forty-ninth session of the Commission for Social Development under agenda item 3, in collaboration with the Office of the Special Adviser on Africa, while also taking into consideration General Assembly resolution 62/179 of 19 December 2007, entitled "New Partnership for Africa's Development: progress in implementation and international support".

45th plenary meeting
22 July 2010

2010/12
Promoting social integration

The Economic and Social Council,

Recalling the outcomes of the World Summit for Social Development[33] and the twenty-fourth special session of the General Assembly,[34]

Reaffirming that the Copenhagen Declaration on Social Development and Programme of Action[33] and the further initiatives for social development adopted by the General Assembly at its twenty-fourth special session,[34] and a continued global dialogue on social issues, constitute a basic framework for the promotion of social development for all at the national and international levels,

Recalling all resolutions pertaining to social development, including General Assembly resolution 64/135 of 18 December 2009,

Reaffirming the central importance of poverty eradication and full and productive employment and decent work for all to social integration,

Recognizing that a people-centred approach must be at the centre of sustainable development to promote social integration and foster social harmony and social cohesion,

Recognizing also that poverty, which should be tackled in a holistic manner, as well as unemployment, and the lack of decent work opportunities, are key obstacles to social integration,

Recognizing further that social inclusion is a means for achieving social integration and is crucial for fostering stable, safe, harmonious, peaceful and just societies and for improving social cohesion so as to create an environment for development and progress,

Recognizing that, in times of economic and financial crisis, social exclusion can be exacerbated; therefore policies and programmes aiming at enhancing social integration, in particular for those most severely affected, are critical,

Recognizing also that social protection is also an investment in people and in long-term social and economic development, in this regard appropriate social protection systems make a critical contribution to meeting the development goals directed towards poverty eradication and exerting a positive impact on economic growth, social cohesion and social development,

Recognizing further that the promotion of social and economic development remains the sovereign right and responsibility of each Member State, consistent with national laws and development priorities, with full respect for the various religious and ethnic values and cultural backgrounds of its people, and in conformity with all human rights and fundamental freedoms,

1. *Takes note with appreciation* of the report of the Secretary-General;[41]

2. *Welcomes* the reaffirmation by Governments of their will and commitment to continue implementing the Copenhagen Declaration on Social Development and the Programme of Action, in particular to eradicate poverty, promote full and productive employment and foster social integration to achieve stable, safe, peaceful, harmonious and just societies for all;

3. *Recognizes* that poverty eradication, full and productive employment and decent work for all and social integration are interrelated, and mutually reinforcing, and that an enabling environment therefore needs to be created so that all three objectives can be pursued simultaneously, and that policies to pursue these objectives must promote social justice, social cohesion, economic recovery and growth, and be economically and environmentally sustainable;

4. *Reaffirms* the importance of promoting social integration with the aim of achieving an inclusive society for all that is stable, safe, peaceful, harmonious and just and that is based on the promotion of and protection of all human rights, as well as non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and participation of all people;

5. *Stresses* that the benefits of economic growth should be distributed more equitably, and that in order to close the gap of inequality and avoid any further

[41] E/CN.5/2010/2.

deepening of inequality, comprehensive social policies and programmes, including appropriate social transfer programmes, job creation and social protection systems, are needed;

6. *Recognizes* that empowerment of the poor is essential for the effective eradication of poverty and hunger;

7. *Recognizes also* that the broad concept of social development affirmed by the World Summit for Social Development and the twenty-fourth special session of the General Assembly has not been implemented adequately at the national and international levels and that, while poverty eradication is a central part of development policy and discourse, further attention should be given to the other commitments agreed to at the Summit, in particular those concerning employment and social integration, which have also suffered from a general disconnect between economic and social policymaking;

8. *Underlines* the importance of adopting a coherent approach to economic and social policy in order to ensure impact, accountability and transparency, and of enhancing coordination to promote the mainstreaming of social integration;

9. *Recognizes* that normative frameworks should be complemented by policy measures and effective enforcement to eliminate discrimination, including through relevant national legislation, stereotyping, cultural biases, abuse and violence so as to remove barriers to social integration;

10. *Expresses deep concern* that the world financial and economic crisis, the world food crisis and continuing food insecurity, the energy crisis and climate change, as well as the lack of results thus far in the multilateral trade negotiations and a loss of confidence in the international economic system, have negative implications for social development, in particular for the achievement of poverty eradication, full and productive employment and decent work for all, and social integration;

11. *Stresses* that, since the convening of the World Summit for Social Development in Copenhagen in 1995, advances have been made in addressing and promoting social integration, including through the adoption of the Madrid International Plan of Action on Ageing, 2002,[42] the World Programme of Action for Youth to the Year 2000 and Beyond[43] and its Supplement,[44] the Convention on the Rights of Persons with Disabilities,[45] the United Nations Declaration on the Rights of Indigenous Peoples,[46] and the Beijing Declaration and Platform for Action,[47] and encourages Governments to ensure the full implementation of their obligations and commitments;

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[42] *Report of the Second World Assembly on Ageing, Madrid, 8–12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex II.

[43] General Assembly resolution 50/81, annex.

[44] General Assembly resolution 62/126, annex.

[45] General Assembly resolution 61/106, annex I.

[46] General Assembly resolution 61/295, annex.

[47] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

12. *Notes with interest* of the adoption by the International Labour Conference on 10 June 2008 of the International Labour Organization Declaration on Social Justice for a Fair Globalization,[48] which acknowledges the particular role of the Organization in promoting a fair globalization and its responsibility to assist its members in their efforts, and the adoption of the International Labour Organization Global Jobs Pact[49] in June 2009; and in this regard, recognizes that the decent work agenda of the International Labour Organization, with its four strategic objectives, has an important role to play in achieving the objective of full and productive employment and decent work for all;

13. *Recognizes* that sustainable social integration requires creating short and long-term policies that are comprehensive, consistent, coordinated and complementary, especially when addressing the needs of social groups;

14. *Recognizes* the need to implement comprehensive and coherent policies to create social inclusion programmes, bearing in mind that poverty is a form of exclusion that should be tackled in a holistic manner, and in this regard special attention should be devoted to addressing its multiple dimensions, including the feminization of poverty, leading to further social exclusion, and the intergenerational transmission of poverty and exclusion;

15. *Recognizes* that a people-centred framework for social development is critical to helping to build a culture of cooperation and partnership, and to responding to the global challenges and threats that hinder social integration, social harmony and social cohesion, in order to promote social development throughout the world;

16. *Recognizes also* that social integration policies should be based on respect for human dignity and all human rights and fundamental freedoms, and encourages Governments to implement their social integration policies at the national and local levels, in accordance with their international human rights obligations;

17. *Reaffirms* the importance of the effective participation of people in civic, social, economic and political activities as an essential part of promoting social integration, and in this regard encourages Governments to increase the participation of citizens and communities in the planning and implementation of social integration policies and strategies aimed at achieving poverty eradication, social integration and full employment and decent work;

18. *Recognizes* that there is an urgent need to eliminate physical and social barriers with the aim of creating a society accessible for all, with special emphasis on measures to meet the needs and interests of those who face obstacles in participating fully in society;

19. *Stresses* that policies and strategies designed to achieve poverty eradication, full employment and decent work for all should include specific measures to promote gender equality and empowerment of women and equal access to opportunities and social protection and foster social integration for social groups,

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[48] A/63/538-E/2009/4, annex.

[49] Resolution adopted by the International Labour Conference on 19 June 2009 at its ninety-eighth session, entitled "Recovering from the crisis: a Global Jobs Pact".

such as youth, persons with disabilities and older persons, as well as migrants and indigenous peoples;

20. *Reaffirms* the commitment to the empowerment of women and gender equality, as well as mainstreaming of gender perspectives in all relevant policies and strategies, recognizing that these are critical for achieving sustainable development and for efforts to combat hunger, poverty and disease and to strengthen policies and programmes that improve, ensure and broaden the full participation of women in all spheres of political, economic, social and cultural life, as equal partners, and to improve their access to all resources needed for the full exercise of all their human rights and fundamental freedoms by removing persistent barriers, including ensuring equal access to full and productive employment and decent work, as well as strengthening their economic independence;

21. *Recognizes* that the social integration of people living in poverty should encompass addressing and meeting their basic human needs, including nutrition, health, water, sanitation, housing and access to education and employment, through integrated development strategies, and reaffirms that the provision of basic social services in these areas should be seen as a means of fighting poverty, exclusion and promoting social integration;

22. *Recognizes also* that the new information technologies and new approaches to access to and use of technologies by people living in poverty can help in fulfilling social development goals; and therefore recognizes the need to facilitate access to such technologies;

23. *Reaffirms* that social integration policies should seek to reduce inequalities, promote access to education for all, employment, basic social services and health care, including nutrition, water, sanitation and housing, and to address the challenges posed by globalization and market-driven reforms to social development, in order for all people in all countries to benefit from globalization;

24. *Stresses* the importance of eradicating illiteracy and promoting for all equal access to and opportunities for quality education, skills development and quality training as essential means for participation and integration in society;

25. *Recognizes* the importance of providing effective social protection to achieve equity, equality, inclusion in society and in the labour market, social justice, including solidarity among generations, stability and cohesion of societies;

26. *Takes note* of the joint crisis initiatives launched by the United Nations System Chief Executives Board for Coordination in 2009 related to the promotion of employment and social protection which aim at advocating for and advising Member States on the provision of social protection floors, boosting full employment and decent work, and public spending in ways that will support the efforts of Member States to promote more inclusive and sustainable social and economic development;

27. *Urges* Governments, with the cooperation of relevant entities, to develop systems of social protection and to extend or broaden, as appropriate, their effectiveness and coverage, including for workers in the informal economy, recognizing the need for social protection systems to provide social security and support labour-market participation, and invites the International Labour Organization to strengthen its social protection strategies, including assistance to

countries in building social protection floors and policies on extending social security coverage, and also urges Governments, while taking account of national circumstances, to focus on the needs of those living in, or vulnerable to, poverty and give particular consideration to universal access to basic social security systems;

28. *Encourages* Governments to continue developing socially inclusive policies and incorporating them into national development strategies, including poverty-reduction strategies, and to give due consideration to developing national evaluation frameworks for social development, including possible benchmarks and indicators to measure the social integration and well-being of the population;

29. *Reaffirms* that social development requires the active involvement of all actors in the development process, such as civil society organizations, including workers' and employers' organizations, as well as corporations and small and medium-sized businesses, and that partnerships among all relevant actors are increasingly becoming part of national and international cooperation for social development, and also reaffirms that, within countries, partnerships among the Government, civil society and the private sector can contribute effectively to the achievement of social development goals and, in this regard, stresses the importance of strong political leadership, adequate financing and technical support;

30. *Encourages* Governments to enable civil society institutions to participate on a consultative basis, in the formulation, implementation and evaluation of policies related to the social development of all social groups in order to take into account their needs;

31. *Stresses* the importance of a conducive international environment, in particular enhanced international cooperation, to support national efforts towards promoting social integration, including the fulfilment of all commitments on official development assistance, debt relief, market access, financial and technical support and capacity-building;

32. *Invites* Governments, relevant organizations of the United Nations system, regional organizations and development partners to exchange views and share information on good policies and practices for mainstreaming social inclusion into social and economic policies at the national, regional and international levels aimed at achieving equity, equality, social inclusion, protection and cohesion, and recognizes existing efforts in this regard;

33. *Encourages* Governments to participate fully in the discussions on social protection at the one hundredth session of the International Labour Conference in 2011, and at its preparatory meetings;

34. *Requests* the United Nations system to support national efforts to achieve social development, in particular, in fostering social integration at the local, national, subregional, regional and international levels, in a coherent, coordinated and results-based manner;

35. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission for Social Development at its forty-ninth session and to the General Assembly at its sixty-fifth session as part of the report under the agenda item entitled "Implementation of the outcome of the World Summit for Social Development and the twenty-fourth special session of the General Assembly", and looks forward to the report of the Secretary-General that

the Assembly, in its resolution 64/135, requested be submitted to it at its sixty-fifth session, which should include information related to challenges to and prospects for full implementation by Member States of the outcome of the World Summit for Social Development and the twenty-fourth special session of the Assembly.

45th plenary meeting
22 July 2010

2010/13
Mainstreaming disability in the development agenda

The Economic and Social Council,

Reaffirming that the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development[33] and the further initiatives for social development adopted by the General Assembly at its twenty-fourth special session,[34] as well as a continued global dialogue on social development issues, constitute the basic framework for the promotion of social development for all at the national and international levels,

Noting that the entry into force of the Convention on the Rights of Persons with Disabilities,[45] which is both a human rights treaty and a development tool, provides an opportunity to strengthen the policies related to and the implementation of the Millennium Development Goals, thereby contributing to the realization of a society for all in the twenty-first century,

Recalling the World Programme of Action concerning Disabled Persons,[50] the Standard Rules on the Equalization of Opportunities for Persons with Disabilities[51] and the Convention on the Rights of Persons with Disabilities, which recognize persons with disabilities as both development agents and beneficiaries in all aspects of development,

Recalling its previous resolutions concerning persons with disabilities and the relevant resolutions adopted by the General Assembly,

Acknowledging the fact that the majority of the 690 million persons with disabilities in the world live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

Noting that persons with disabilities make up an estimated 10 per cent of the world's population, of whom 80 per cent live in developing countries, and recognizing the importance of international cooperation and its promotion in support of national efforts, in particular for developing countries,

Convinced that addressing the profound social, cultural and economic disadvantage experienced by many persons with disabilities, and that promoting the use of universal design as appropriate, as well as the progressive removal of barriers to their full and effective participation in all aspects of development and promoting

[50] General Assembly resolution 37/52.
[51] General Assembly resolution 48/96.

their economic, social and cultural rights, will further the equalization of opportunities and contribute to the realization of a "society for all" in the twenty-first century,

Bearing in mind that the Convention on the Rights of Persons with Disabilities, provides a comprehensive normative framework, as well as specific guidance, for mainstreaming disability,

Underlining the importance of mobilizing resources at all levels for the successful implementation of the World Programme of Action concerning Disabled Persons and the Convention on the Rights of Persons with Disabilities, and recognizing the importance of international cooperation and its promotion in support of national efforts, in particular in developing countries,

Recognizing that the achievement of the mainstreaming of disability at all levels remains a major challenge, and therefore that further efforts are required to give practical meaning to the concept of mainstreaming and its realization in United Nations activities in the development agenda,

Welcoming the fact that, since the opening for signature on 30 March 2007 of the Convention and the Optional Protocol thereto,[52] one hundred and forty-nine States have signed and seventy-seven States have ratified the Convention and eighty-nine States have signed and fifty States have ratified the Optional Protocol, and one regional integration organization has signed the Convention,

Noting that, in the report of the Secretary-General, it is stated that information on and experience in the implementation of disability mainstreaming in the development agenda is limited, and acknowledging that international, regional, subregional and national efforts to mainstream disability in the development agenda is relatively new and ongoing and urges further progress in this regard,

Noting also the progress made by the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities and the United Nations Development Group Task Team on Disability in mainstreaming disability in the development agenda, including in the work of the United Nations agencies, funds and programmes, and urging further progress towards mainstreaming disability into their development agenda,

Recognizing that the forthcoming high-level plenary meeting to review the implementation of the Millennium Development Goals in 2010 is an important opportunity for enhancing efforts to realize the Millennium Development Goals for all, including persons with disabilities,

Recognizing also that the annual ministerial review, which is to focus on implementing the internationally agreed goals and commitments in regard to gender equality and the empowerment of women, provides an opportunity to highlight the situation of women and girls with disabilities,

1. *Takes note* of the report of the Secretary-General;[53]

[52] General Assembly resolution 61/106, annex II.

[53] E/CN.5/2010/6.

2. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention on the Rights of Persons with Disabilities[45] and the Optional Protocol[52] thereto as a matter of priority;

3. *Calls upon* Member States to enable persons with disabilities to participate as agents and beneficiaries of development, in particular in all efforts aimed at achieving the Millennium Development Goals, by ensuring that programmes and policies, namely those aimed at eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and the empowerment of women, reducing child mortality, improving maternal health, combating HIV/AIDS, malaria and other diseases, ensuring environmental sustainability and developing a global partnership for development, are inclusive and accessible to persons with disabilities;

4. *Encourages* international cooperation in the implementation of the Millennium Development Goals, including through global partnerships for development, which are crucial for the realization of the Goals for all, including persons with disabilities;

5. *Recognizes* the need to promote participation, consultation, inclusion and integration of persons with disabilities and their representative organizations in mainstreaming disability in the development agenda;

6. *Recognizes also* the need to promote accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, to the inclusion of persons with disabilities in all aspects of development, and of undertaking measures to make, inter alia, the environment and transport accessible to all persons with disabilities, and to provide accessible information and communications technologies;

7. *Urges* Member States:

(a) To mainstream disability, including the perspective of persons with disabilities, into the design, implementation and monitoring of national development policies, programmes and strategies, and in this regard calls upon the United Nations system to support, upon request, as appropriate, national and regional efforts and plans to develop methodologies and tools and to promote capacity-building and evaluation;

(b) To conduct reviews and assessments, analysing the extent to which disability is mainstreamed effectively in the development agenda, with a view to identifying best practices and eliminating gaps between policy and implementation;

(c) To conduct disability awareness-raising campaigns, education and training for all those involved in the development agenda, in order to promote the inclusion of persons with disabilities;

8. *Encourages* the United Nations system, including relevant agencies, funds and programmes, in accordance with their respective mandates:

(a) To share their best practices, information, tools and methodologies on the mainstreaming of disability in their activities, through appropriate means, and to review them periodically, in order to take a coherent and coordinated approach in disability issues within the United Nations operational framework;

(b) To conduct disability education and awareness-raising campaigns and to step up efforts to recruit persons with disabilities at all levels, including in field positions;

(c) To enhance their accountability, including at the highest levels of decision-making, in the work of mainstreaming disability in the development agenda, including in the assessment of the impact of development efforts on the situation of persons with disabilities;

9. *Encourages* all Member States, concerned intergovernmental organizations and international and regional organizations, civil society, in particular organizations of persons with disabilities, and the private sector, to engage in cooperative arrangements that aim at providing the necessary technical and expert assistance to enhance capacities in mainstreaming disability, including the perspective of persons with disabilities, in the development agenda, and in this regard, encourages the United Nations Secretariat and other relevant bodies to find improved ways to enhance international technical cooperation;

10. *Urges* Member States and relevant entities of the United Nations system, including agencies, funds and programmes, and invites international and regional organizations, including regional integration organizations, as appropriate, and financial institutions to take concrete measures to mainstream disability, including the perspective of persons with disabilities, and accessibility requirements, into development cooperation and development finance activities;

11. *Stresses* the need to enhance accountability in the work of mainstreaming disability into the development agenda, including in the assessment of the impact of development efforts on the situation of persons with disabilities;

12. *Welcomes* the appointment of a new Special Rapporteur on disability of the Commission for Social Development for the period 2009–2011;

13. *Requests* the Secretary-General to prepare a report on the implementation of the present resolution, including on the coordination of the United Nations for mainstreaming disabilities into all their policies and activities, for submission to the Commission for Social Development at its fiftieth session.

45th plenary meeting
22 July 2010

2010/14
Future implementation of the Madrid International Plan of Action on Ageing, 2002

The Economic and Social Council,

Recalling that, in the Madrid International Plan of Action on Ageing, 2002, adopted by the Second World Assembly on Ageing, held in Madrid from 8 to 12 April 2002,[42] the systematic review of its implementation by Member States was requested as being essential for its success in improving the quality of life of older persons,

Recalling also that the Economic and Social Council, in its resolution 2003/14 of 21 July 2003, invited Governments, the United Nations system and civil society

to participate in a bottom-up approach to the review and appraisal of the Madrid Plan of Action,

Bearing in mind that in its resolution 42/1 of 13 February 2004, the Commission for Social Development decided to undertake the review and appraisal of the Madrid Plan of Action every five years,[54]

Recognizing the need to incorporate a gender perspective in all measures concerning older persons,

Taking note with appreciation of the report of the Secretary-General,[55] which was based on the results of the first review and appraisal of the Madrid Plan of Action,

1. *Calls upon* Member States to continue to participate effectively in the implementation of the Madrid International Plan of Action on Ageing, 2002, inter alia, through national strategies and policies and by improving data collection and sharing ideas, information and good practices, bearing in mind the report of the Secretary-General containing the strategic framework for future implementation of the Madrid Plan of Action;[56]

2. *Encourages* Member States to continue their efforts to mainstream ageing into their policy agendas, bearing in mind the crucial importance of family, intergenerational interdependence, solidarity and reciprocity for social development and the realization of all human rights for older persons, and to prevent age discrimination and to provide social integration;

3. *Urges* Member States to consider including in their national strategies, inter alia, policy implementation approaches, such as empowerment and participation, gender equality, awareness-raising and capacity development, and such essential policy implementation tools as evidence-based policymaking, mainstreaming, participatory approaches and indicators;

4. *Calls upon* Member States to adopt appropriate measures, including, if necessary, legislative measures to promote and protect the rights of older persons and measures aimed at providing economic and social security and health care, while mainstreaming a gender perspective, full participation of older persons in the decision-making process affecting their lives, and ageing with dignity;

5. *Also calls upon* Member States to take concrete measures to further protect and assist older persons in emergency situations, in accordance with the Madrid Plan of Action;

6. *Encourages* Member States to promote the development of regional and subregional networks of experts and practitioners from Governments, non-governmental organizations, academia and the private sector in order to increase the potential for policy action on ageing;

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[54] See *Official Records of the Economic and Social Council, 2004, Supplement No. 6* (E/2004/26), chap. I.

[55] E/CN.5/2010/4.

[56] E/CN.5/2009/5.

7. *Invites* Member States to continue reviewing their national capacity for policy development concerning older persons and demographic ageing, with a view to implementing appropriate measures to enhance their national capacity in this area of policy development, as necessary;

8. *Recommends* that Member States strengthen their networks of national focal points on ageing, work with the regional commissions to exchange information on best practices and undertake a range of awareness-raising activities, including enlisting the assistance of the Department of Public Information of the Secretariat to expand media coverage on ageing issues;

9. *Invites* Member States and all other major national and international stakeholders to continue their cooperation with the Department of Economic and Social Affairs of the Secretariat, as the United Nations global focal point on ageing, in further implementing the Madrid Plan of Action;

10. *Encourages* Member States to consider how best the international framework of norms and standards can ensure the full enjoyment of the rights of older persons, including, as appropriate, the possibility of instituting new policies, instruments or measures to further improve the situation of older persons;

11. *Recognizes* the important role of various international and regional organizations that deal with training, capacity-building, policy design and monitoring at the national and regional levels, in promoting and facilitating the implementation of the Madrid Plan of Action;

12. *Acknowledges* the essential contributions of the United Nations regional commissions to the implementation, review and appraisal of the Madrid Plan of Action, including the organization of regional review and appraisal meetings and the preparation of their outcome documents, and calls upon the Secretary-General to strengthen the work of the United Nations regional commissions, including their focal points on ageing, to enable them to continue their regional implementation activities;

13. *Encourages* the international community, including international and bilateral donors, to enhance international cooperation, in keeping with internationally agreed goals, to support national efforts to eradicate poverty in order to ensure sustainable social and economic support for older persons, including by strengthening their national capacity in the area of policy development and implementation, with regard to older persons, while bearing in mind that countries have the primary responsibility for their own economic and social development;

14. *Encourages* the international community and the relevant organizations of the United Nations system, within their respective mandates, to support national and regional efforts, to provide funding for research and data-collection initiatives on ageing in order that the challenges and opportunities presented by population ageing may be better understood and to provide policymakers with more accurate and specific information on ageing and gender, such as for policy planning, monitoring and evaluation;

15. *Decides* that the procedure for the second review and appraisal of the Madrid Plan of Action will follow the set procedure of the first review and appraisal exercise and shall include preparatory activities at the national and regional levels, including those conducted by the regional commissions, to conclude in 2012;

16. *Decides* to conduct the second global review and appraisal of the Madrid Plan of Action in 2013 at the fifty-first session of the Commission for Social Development;

17. *Endorses* the theme "Full implementation of the Madrid International Plan of Action on Ageing: social situation, well-being and dignity, development and the full realization of all human rights for older persons" for the second review and appraisal exercise, and encourages Member States to work on awareness-raising on this theme;

18. *Requests* the Secretary-General to submit to the Commission for Social Development at its forty-ninth session a report on the implementation of the present resolution.

45th plenary meeting
22 July 2010

2010/15
Strengthening crime prevention and criminal justice responses to violence against women

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"*The General Assembly*,

Reaffirming the Declaration on the Elimination of Violence against Women[24] and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women[47] and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women,

Reaffirming also the Programme of Action of the International Conference on Population and Development,[57] as well as the outcome of the twenty-third special session of the General Assembly, entitled 'Women 2000: gender, equality, development and peace for the twenty-first century',[23] and the declarations adopted at the forty-ninth and fifty-fourth sessions of the Commission on the Status of Women,[58]

Recognizing that the term 'women', except where otherwise specified, encompasses 'girl children',

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Convention

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[57] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[58] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

on the Elimination of All Forms of Discrimination against Women[59] and other international human rights instruments and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms for all, including women and girls, and must exercise due diligence to prevent and investigate acts of violence against women and girls and punish the perpetrators, eliminate impunity and provide protection to the victims and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Emphasizing the importance of preventing violence against migrant women through the implementation, inter alia, of measures aimed at combating racism, xenophobia and related forms of intolerance,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the targeting or particular vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and women victims of commercial sexual exploitation,

Greatly concerned that some groups of women, such as migrant women, refugees and women in detention, in situations of armed conflict or in territories under occupation, might be more vulnerable to violence,

Recognizing that women's poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social policies and from the benefits of sustained development, can place them at increased risk of violence and that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Reaffirming its resolution 52/86 of 12 December 1997, in which it adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

Recalling its resolutions 61/143 of 19 December 2006, 62/133 of 18 December 2007, 63/155 of 18 December 2008 and 64/137 of 18 December 2009 on the intensification of efforts to eliminate all forms of violence against women,

Recalling also the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted at the Eleventh United Nations Congress on Crime Prevention and Criminal

[59] United Nations, *Treaty Series*, vol. 1249, No. 20378.

Justice,[60] in which Governments recognized that comprehensive crime prevention strategies could significantly reduce crime and victimization and urged that such strategies be developed at the local, national and international levels and that they, inter alia, take into account the Guidelines for the Prevention of Crime,[61] and emphasized the importance of promoting the interests of victims of crime, including taking account of their gender,

Taking note of Human Rights Council resolution 11/2 of 17 June 2009, entitled 'Accelerating efforts to eliminate all forms of violence against women',

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[62] as well as the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Expressing deep concern about the pervasiveness of violence against women in all its forms and manifestations worldwide, and reiterating the need to intensify efforts to address that challenge,

Recognizing that effective and integrated criminal justice responses to violence against women require close cooperation among all key stakeholders, including law enforcement officials, prosecutors, judges, victim advocates, health professionals and forensic scientists,

Stressing the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women,

Recalling the joint dialogue of the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice on addressing violence against women through legal reform, held in New York on 4 March 2009 in the framework of the fifty-third session of the Commission on the Status of Women,

Recalling also Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008, in which the Commission requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts with equitable geographical representation, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, the Commission on the Status of Women and the Special Rapporteur on violence against women, its causes and consequences, to review and update, as appropriate, the Model Strategies and Practical Measures,

1. *Strongly condemns* all acts of violence against women, whether those acts are perpetrated by the State, by private persons or by non-State actors, and calls for the elimination of all forms of gender-based violence in

[60] General Assembly resolution 60/177, annex.

[61] Resolution 2002/13, annex.

[62] United Nations, *Treaty Series*, vol. 2187, No. 38544.

the family, within the general community and where perpetrated or condoned by the State;

2. *Stresses* that 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

3. *Notes with appreciation* the work done at the meeting of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, held in Bangkok from 23 to 25 March 2009;[63]

4. *Adopts* the guidelines in the updated Model Strategies and Practical Measures;[64]

5. *Urges* Member States to end impunity for violence against women by investigating, prosecuting with due process and punishing all perpetrators, by ensuring that women have equal protection under the law and equal access to justice and by holding up to public scrutiny and countering those attitudes that foster, justify or tolerate any form of violence against women;

6. *Also urges* Member States to enhance their mechanisms and procedures for protecting victims of violence against women in the criminal justice system, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[65] and to provide to that end specialized counselling and assistance;

7. *Calls upon* Member States to advance effective crime prevention and criminal justice strategies that address violence against women, including strategies aimed at preventing revictimization by, inter alia, removing barriers that prevent victims from seeking safety, including barriers related to custody of children, access to shelter and availability of legal assistance;

8. *Also calls upon* Member States to develop and implement crime prevention policies and programmes to promote the safety of women in the home and in society at large in a manner that reflects the realities of women's lives and addresses their distinct needs, taking into account, inter alia, the Guidelines for the Prevention of Crime[61] and the important contribution that educational and public awareness-raising initiatives provide to the promotion of the safety of women;

9. *Urges* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices relating to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the updated Model Strategies and

[63] E/CN.15/2010/2.

[64] See *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), para. 150.

[65] General Assembly resolution 40/34, annex.

Practical Measures, to determine if they are adequate to prevent and eliminate violence against women or if they have a negative impact on women and, if they do, to modify them in order to ensure that women enjoy fair and equal treatment;

10. *Also urges* Member States to take into account the special needs and vulnerabilities of women within the criminal justice system, especially women in detention, pregnant inmates and women with children born in detention, including through the development of policies and programmes to address such needs, taking into account relevant international standards and norms;

11. *Further urges* Member States to recognize the needs and special vulnerabilities of women and children in situations of armed conflict and in post-conflict situations, migrant women, refugee women and women subject to forms of violence because of their nationality, ethnicity, religion or language;

12. *Urges* Member States to provide appropriate assistance to women victims of violence, including by ensuring that those women have access to adequate legal representation where appropriate, in particular so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law;

13. *Invites* Member States to establish a multidisciplinary, coordinated response to sexual assault that includes specially trained police, prosecutors, judges, forensic examiners and victim support services to contribute to the well-being of the victim and increase the likelihood of the successful apprehension, prosecution and conviction of the offender and to prevent revictimization;

14. *Encourages* Member States to design and support programmes to empower women, both politically and economically, in order to assist in preventing violence against women, in particular through their participation in decision-making processes;

15. *Calls upon* Member States to set up and strengthen mechanisms for the systematic collection of data on violence against women with a view to assessing the scope and prevalence of such violence and to guiding the design, implementation and funding of effective crime prevention and criminal justice responses;

16. *Urges* Member States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and on the impact and effectiveness of policies and programmes for combating violence, and, in that context, welcomes the establishment of the Secretary-General's coordinated database on violence against women,[66] and urges Member States and the United Nations system to regularly provide information for inclusion in the database;

[66] Available from www.un.org/esa/vawdatabase.

17. *Calls upon* the United Nations Office on Drugs and Crime to support national efforts to promote the empowerment of women and gender equality in order to enhance national efforts to eliminate violence against women, including by strengthening throughout its programme of work its crime prevention and criminal justice efforts in response to violence against women;

18. *Urges* the United Nations Office on Drugs and Crime and Member States and invites the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to continue to offer training and capacity-building opportunities, in particular for practitioners working in the area of crime prevention and criminal justice and providers of support services to victims of violence against women, and to make available and disseminate information on successful intervention models, preventive programmes and other practices;

19. *Requests* the United Nations Office on Drugs and Crime to intensify its efforts to ensure the widest possible use and dissemination of the updated Model Strategies and Practical Measures, including through the development or revision of relevant tools, such as handbooks, training manuals, programmes and modules, including online capacity-building modules for each section of the updated Model Strategies and Practical Measures, as an efficient and practical way to disseminate the relevant content, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

20. *Invites* the United Nations Office on Drugs and Crime to strengthen coordination in its activities in the area of violence against women with other relevant entities of the United Nations system, particularly the United Nations Development Fund for Women, the Division for the Advancement of Women of the Secretariat, the United Nations Children's Fund, the United Nations Population Fund, the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on violence against women, its causes and consequences, as well as other relevant intergovernmental and non-governmental organizations, so as to make efficient use of the financial, technical, material and human resources in the application of the updated Model Strategies and Practical Measures;

21. *Also invites* the United Nations Office on Drugs and Crime to cooperate with the Department of Peacekeeping Operations of the Secretariat in the development of training material based on the updated Model Strategies and Practical Measures for military, police and civilian personnel of peacekeeping and peacebuilding operations;

22. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the implementation of the present resolution.

Annex

Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

Preamble

1. The multifaceted nature of violence against women necessitates different strategies to respond to the diverse manifestations of violence and the various settings in which it occurs, both in private and public life, whether committed in the home, the workplace, educational and training institutions, the community or society, in custody or in situations of armed conflict or natural disaster. In the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, the importance of adopting a systematic, comprehensive, coordinated, multisectoral and sustained approach to fighting violence against women is recognized. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to address violence against women. Except where otherwise specified, the term 'women' encompasses 'girl children'.

2. Violence against women exists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace. Violence against women is rooted in historically unequal power relations between men and women. All forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and have serious immediate and long-term implications for health, including sexual and reproductive health, for example through increased vulnerability to HIV/AIDS, and public safety, and have a negative impact on the psychological, social and economic development of individuals, families, communities and States.

3. Violence against women is often embedded in and supported by social values, cultural patterns and practices. The criminal justice system and legislators are not immune to such values and thus have not always regarded violence against women with the same seriousness as other types of violence. Therefore, it is important that States strongly condemn all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination and that the criminal justice system recognize violence against women as a gender-related problem and as an expression of power and inequality.

4. Violence against women is defined in the Declaration on the Elimination of Violence against Women[24] and reiterated in the Beijing Platform for Action adopted by the Fourth World Conference on Women[16] to mean any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The updated Model Strategies and Practical Measures build on the measures adopted by Governments in the Platform for Action, which was adopted in 1995 and subsequently reaffirmed in 2000 and 2005, the Model

Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted in 1997,[67] and relevant General Assembly resolutions, including resolutions 61/143 and 63/155, bearing in mind that some groups of women are especially exposed and vulnerable to violence.

5. The updated Model Strategies and Practical Measures specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies, programmes and practices to ensure gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in all areas of decision-making, including those related to the elimination of violence against women. The updated Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[59] the Convention on the Rights of the Child,[68] the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[69] the International Covenant on Civil and Political Rights,[70] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[71] the Rome Statute of the International Criminal Court[72] and the Guidelines for the Prevention of Crime,[61] with a view to furthering their fair and effective implementation. The updated Model Strategies and Practical Measures reaffirm the commitment of States to promote gender equality and empower women with a view to meeting goal 3 of the Millennium Development Goals.[73]

6. The updated Model Strategies and Practical Measures should be endorsed by national legislation and implemented by Member States and other entities in a manner consistent with the right to equality before the law, while also recognizing that gender equality may sometimes require the adoption of different approaches that acknowledge the different ways in which violence affects women as compared to men. Member States should ensure that women have equal protection under the law and equal access to justice in order to facilitate efforts by Governments to prevent and sanction acts of violence against women through comprehensive and coordinated policies and strategies and to deal with all forms of violence against women within the criminal justice system.

7. The updated Model Strategies and Practical Measures recognize that crime prevention and criminal justice responses to violence against women must be focused on the needs of victims and empower individual women who are victims of violence. The updated Model Strategies and Practical Measures

[67] General Assembly resolution 52/86, annex.

[68] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[69] Ibid., vol. 2171, No. 27531.

[70] Ibid., vol. 999, No. 14668.

[71] Ibid., vol. 2237, No. 39574.

[72] Ibid., vol. 2187, No. 38544.

[73] A/56/326, annex.

aim at ensuring that prevention and intervention efforts are made to not only stop and appropriately sanction violence against women but also restore a sense of dignity and control to the victims of such violence.

8. The updated Model Strategies and Practical Measures aim at contributing to de jure and de facto equality between women and men. The updated Model Strategies and Practical Measures do not give preferential treatment to women but aim at ensuring that any inequalities or forms of discrimination that women face in accessing justice, particularly in respect of acts of violence, are redressed.

9. The updated Model Strategies and Practical Measures recognize that sexual violence is an issue of international peace and security, as outlined in Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, particularly the need for parties to armed conflict to adopt prevention and protection measures in order to end sexual violence.

10. The updated Model Strategies and Practical Measures recognize that some special groups of women are particularly vulnerable to violence, either because of their nationality, ethnicity, religion or language, or because they belong to an indigenous group, are migrants, are stateless, are refugees, live in underdeveloped, rural or remote communities, are homeless, are in institutions or in detention, have disabilities, are elderly, are widowed or live in conflict, post-conflict or disaster situations, and as such they require special attention, intervention and protection in the development of crime prevention and criminal justice responses to violence against women.

11. The updated Model Strategies and Practical Measures recognize advances in crime prevention and criminal justice responses to violence against women and the importance of investing in the prevention of violence against women.

12. The updated Model Strategies and Practical Measures recognize that States have the obligation to promote and protect the human rights and fundamental freedoms of all people, including women, and that they must exercise due diligence and take relevant measures to prevent, investigate and punish the perpetrators of violence against women, to eliminate impunity and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of women's human rights and fundamental freedoms.

I. Guiding principles

13. Member States are urged:

(a) To be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability;

(b) To develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach for the implementation of the updated Model Strategies and Practical Measures at the national, regional and international levels;

(c) To promote the involvement and participation of all relevant sectors of government and civil society and other stakeholders in the implementation process;

(d) To commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight;

(e) To take into account in the implementation of the updated Model Strategies and Practical Measures the varying needs of women subjected to violence.

II. Criminal law

14. Member States are urged:

(a) To review, evaluate and update their national laws, policies, codes, procedures, programmes and practices, especially their criminal laws, on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women and to remove provisions that allow for or condone violence against women or that increase the vulnerability or revictimization of women who have been subject to violence;

(b) To review, evaluate and update their criminal and civil laws in order to ensure that all forms of violence against women are criminalized and prohibited and, if not, to adopt measures to do so, including measures aimed at preventing, protecting, empowering and supporting survivors, adequately punishing perpetrators and ensuring available remedies for victims;

(c) To review, evaluate and update their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women;

(iii) The laws on sexual violence adequately protect all persons against sexual acts that are not based on the consent of both parties;

(iv) The law protects all children against sexual violence, sexual abuse, commercial sexual exploitation and sexual harassment, including crimes committed through the use of new information technologies, including the Internet;

(v) Harmful traditional practices, including female genital mutilation, in all of their forms, are criminalized as serious offences under the law;

(vi) Trafficking in persons, especially women and girls, is criminalized;

(vii) Individuals who are serving in the armed forces or in United Nations peacekeeping operations should be investigated and punished for committing acts of violence against women abroad;

(d) To continually review, evaluate and update their national laws, policies, practices and procedures taking into account all relevant international legal instruments in order to effectively respond to violence against women, including to ensure that such measures complement and are consistent with the criminal justice system's response to such violence and that civil law decisions reached in marital dissolutions, child custody decisions and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and the best interests of children;

(e) To review and, where appropriate, revise, amend or abolish any laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and to ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, in particular the principle of non-discrimination.

III. Criminal procedure

15. Member States are urged to review, evaluate and update their criminal procedures, as appropriate and taking into account all relevant international legal instruments, in order to ensure that:

(a) The police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women and to take immediate measures to ensure the safety of victims;

(b) The primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with women subjected to violence, regardless of the level or form of violence;

(c) Women subjected to violence are enabled to testify in criminal proceedings through adequate measures that: facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid 'secondary victimization'[74] In jurisdictions where the safety of the victim cannot be guaranteed, refusing to testify should not constitute a criminal or other offence;

(d) Evidentiary rules are non-discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate

[74] 'Secondary victimization' is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.

against women; and 'honour' or 'provocation' cannot be invoked by perpetrators of violence against women to escape criminal responsibility;

(e) The credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant's sexual history in both civil and criminal proceedings should be prohibited where it is unrelated to the case; and no adverse inference should be drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof;

(f) People who perpetrate acts of violence against women while voluntarily under the influence of alcohol, drugs or other substances are not exempted from criminal responsibility;

(g) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(h) Police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women, including removal of the perpetrator from the domicile and prohibition of further contact with the victim and other affected parties, inside and outside the domicile, to issue and enforce child support and custody orders and to impose penalties for breaches of those orders. If such powers cannot be granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on initiating a criminal case;

(i) Comprehensive services and protection measures are taken when necessary to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution, and to protect them from intimidation and retaliation, including by establishing comprehensive witness and victim protection programmes;

(j) Safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(k) Claims of self-defence by women who have been victims of violence, particularly in cases of battered woman syndrome,[75] are taken into account in investigations, prosecutions and sentences against them;

(l) All procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination.

[75] Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including by refusing to press charges or accepting offers of support.

IV. Police, prosecutors and other criminal justice officials

16. Member States are urged, within the framework of their national legal systems, as appropriate and taking into account all relevant international legal instruments:

(a) To ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented by the criminal justice system and supported by relevant regulations as appropriate;

(b) To develop mechanisms to ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization;

(c) To promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training to sensitize them to gender and child-related issues and to build their capacity with regard to violence against women;

(d) To promote the development and implementation of appropriate policies among different criminal justice agencies to ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within such agencies and to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence, respect their dignity and integrity and minimize intrusion into their lives while abiding by standards for the collection of evidence;

(f) To ensure that criminal justice officials and victims' advocates conduct risk assessments that indicate the level or extent of harm victims may be subjected to based on the vulnerability of victims, the threats to which they are exposed, the presence of weapons and other determining factors;

(g) To ensure that laws, policies, procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family, socially or otherwise and that such procedures also prevent further acts of violence;

(h) To establish a registration system for judicial protection, restraining or barring orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force;

(i) To empower and equip police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order where appropriate and by taking measures to ensure the fast and efficient management of cases;

(j) To ensure that the exercise of powers by police, prosecutors and other criminal justice officials is undertaken according to the rule of law and codes of conduct, and that such officials are held accountable for any infringement thereof through appropriate oversight and accountability mechanisms;

(k) To ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels;

(l) To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official;

(m) To develop new or improve existing model procedures and resource material, and then disseminate such procedures and material, to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs;

(n) To provide adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization.

V. Sentencing and corrections

17. Recognizing the serious nature of violence against women and the need for crime prevention and criminal justice responses that are commensurate with that severity, Member States are urged, as appropriate:

(a) To review, evaluate and update sentencing policies and procedures in order to ensure that they:

(i) Hold offenders accountable for their acts related to violence against women;

(ii) Denounce and deter violence against women;

(iii) Stop violent behaviour;

(iv) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

(v) Take into account the impact on victims and their family members of sentences imposed on perpetrators;

(vi) Provide sanctions that ensure that the perpetrators of violence against women are sentenced in a manner commensurate with the severity of the offence;

(vii) Provide reparations for harm caused as a result of the violence;

(viii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, reintegrating perpetrators into the community;

(b) To ensure that their national laws take into account specific circumstances as aggravating factors for sentencing purposes, including, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age;

(c) To ensure the right of a victim of violence to be notified of the offender's release from detention or imprisonment;

(d) To take into account, in the sentencing process, the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements;

(e) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(f) To develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims;

(g) To ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered;

(h) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(i) To provide adequate protection to victims and witnesses of acts of violence before, during and after criminal proceedings.

VI. Victim support and assistance

18. Member States are urged, as appropriate and taking into account all relevant international legal instruments, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:[65]

(a) To make available to women who have been subjected to violence relevant information on rights, remedies and victim support services and on how to obtain them, in addition to information about their role and opportunities for participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings, as well as any orders against the offender;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints by providing protection to the victims and by advising them that the responsibility for pursuing charges and prosecuting offenders rests with the police and the prosecution service;

(c) To take appropriate measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that victims are treated with dignity and respect, whether they participate in the criminal proceedings or not;

(d) To ensure that women subjected to violence have access to prompt and fair redress for the harm that they have suffered as a result of violence, including the right to seek restitution from the offender or compensation from the State;

(e) To provide court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair and timely processing of cases;

(f) To provide efficient and easily accessible procedures for issuing restraining or barring orders to protect women and other victims of violence and for ensuring that victims are not held accountable for breaches of such orders;

(g) To recognize that children who have witnessed violence against their parent or someone else who is in a close relationship with them are victims of violence and need protection, care and support;

(h) To ensure that women subjected to violence have full access to the civil and criminal justice systems, including access to free legal aid, where appropriate, court support and interpretation services;

(i) To ensure that women subjected to violence have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process, as well as access to any other independent support persons;

(j) To ensure that all services and legal remedies available to victims of violence against women are also available to immigrant women, trafficked women, refugee women, stateless women and all other women in need of such assistance and that specialized services for such women are established, where appropriate;

(k) To refrain from penalizing victims who have been trafficked for having entered the country illegally or for having been involved in unlawful activities that they were forced or compelled to carry out.

VII. Health and social services

19. Member States, in cooperation with the private sector, relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation, health services, including counselling and psychological care, legal assistance and other basic needs for women and their children who are victims of violence or who are at risk of becoming victims of violence;

(b) To establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To establish better linkages between health and social services, both public and private, particularly in emergency situations, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against women, while protecting the privacy of women subjected to violence;

(d) To design and sponsor sustainable programmes to prevent and treat alcohol and other substance abuse, given the frequent presence of substance abuse in incidents of violence against women;

(e) To ensure that violent acts and sexual crimes against children are reported to the police and other law enforcement agencies when suspected by the health and social services;

(f) To promote collaboration and coordination among relevant agencies and services, including through the establishment, where possible, of specialized units specially trained to deal with the complexities and victim sensitivities involved in cases of violence against women and where victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal advice and police assistance;

(g) To ensure that adequate medical, legal and social services sensitive to the needs of victims are in place to enhance the criminal justice management of cases involving violence against women and to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV-specific treatment.

VIII. Training

20. Member States, in cooperation with relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural, gender and child-sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence;

(b) To make sure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments;

(c) To ensure that police, criminal justice officials and other relevant authorities are adequately trained to be able to identify and respond appropriately to the specific needs of women victims of violence, including victims of trafficking in persons; to receive and treat all victims respectfully with a view to avoiding secondary victimization; to handle complaints

confidentially; to conduct safety assessments and risk management; and to use and enforce protection orders;

(d) To encourage relevant professional associations to develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality.

IX. Research and evaluation

21. Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for systematic and coordinated data collection on violence against women;

(b) To develop both modules and dedicated population-based surveys, including crime surveys, for assessing the nature and extent of violence against women;

(c) To collect, analyse and publish data and information, including data and information disaggregated by gender, for use in carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women; the causes, risk factors and levels of severity of such violence; and the consequences and impacts of such violence, including on different population subgroups;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The patterns, trends and indicators of violence against women, women's feelings of insecurity in the public and private spheres and factors that can reduce such feelings of insecurity;

(iv) The relationship between the victim and the offender;

(v) The effect of various types of intervention on the individual offender and on the reduction and elimination of violence against women as a whole;

(vi) The use of weapons and of drugs, alcohol and other substances in cases of violence against women;

(vii) The relationship between victimization or exposure to violence and subsequent violent activity;

(viii) The relationship between the violence experienced by women and women's vulnerability to other types of abuse;

(ix) The consequences of violence on those who witness it, particularly within the family;

(d) To monitor, and publish annual reports on, the number of cases of violence against women reported to the police as well as other criminal justice agencies, including arrest and clearance rates, prosecution and case disposition of the offenders and the prevalence of violence against women; in doing so, use should be made of data derived from population-based surveys. Such reports should disaggregate data by type of violence and include, for example, information on the sex of the perpetrator and his or her relationship to the victim;

(e) To evaluate the efficiency and effectiveness of the criminal justice system in meeting the needs of women subjected to violence, including with regard to the way in which the criminal justice system treats victims and witnesses of acts of violence, the use it makes of different intervention models and the degree to which it cooperates with providers of services to victims and witnesses, as well as to evaluate and assess the impact of current legislation, rules and procedures relating to violence against women;

(f) To evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers;

(g) To be guided by existing ongoing efforts at the international level to develop a set of indicators to measure violence against women and to ensure a multisectoral, coordinated approach to the development, implementation, monitoring and evaluation of data collection initiatives;

(h) To ensure that data on violence against women are collected in a way that respects the confidentiality and human rights of women and in a way that does not jeopardize the safety of women;

(i) To encourage and provide sufficient financial support for research to be carried out on violence against women.

X. Crime prevention measures

22. Member States and the private sector, relevant non-governmental organizations and professional associations are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness and public education initiatives, as well as school programmes and curricula, that prevent violence against women by promoting respect for human rights, equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop codes of conduct for personnel in public and private entities that prohibit violence against women, including sexual harassment, and include safe complaint and referral procedures;

(c) To develop multidisciplinary and gender-sensitive approaches within public and private entities that seek to prevent violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;

(d) To develop programmes to assess perceptions of public safety and to develop safety planning, environmental design and management of public space in order to reduce the risk of violence against women;

(e) To set up outreach programmes and provide relevant information to women about gender roles, women's human rights and the social, health, legal and economic aspects of violence against women in order to empower women to protect themselves and their children against all forms of violence;

(f) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes and respect for equality and the rights of women;

(g) To develop and disseminate, in a manner appropriate to the audience concerned, including in educational institutions at all levels, information and awareness-raising materials on the different forms of violence that are perpetrated against women and the availability of relevant programmes that include information on the relevant provisions of criminal law, the functions of the criminal justice system, the victim support mechanisms that are available and the existing programmes concerning non-violent behaviour and the peaceful resolution of conflicts;

(h) To support all initiatives, including those of non-governmental organizations and other relevant organizations seeking women's equality, to raise public awareness of the issue of violence against women and to contribute to the elimination of such violence;

(i) To facilitate the work at lower levels of government, including among city and local community authorities, to promote an integrated approach that makes use of the range of local services by institutions and civil society in developing preventive strategies and programmes.

23. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights and dignity of women while discouraging both discrimination and gender stereotyping.

24. Member States and the private sector, relevant non-governmental organizations and professional associations are urged to develop and improve, where appropriate, crime prevention and criminal justice responses to the production, possession and dissemination of games, images and all other materials that depict or glorify acts of violence against women and children, and their impact on the general public's attitude towards women and children, as well as the mental and emotional development of children, particularly through new information technologies, including the Internet.

XI. International cooperation

25. Member States, in cooperation with United Nations bodies and institutes and other relevant organizations, are urged, as appropriate:

(a) To continue exchanging information concerning successful intervention models and preventive programmes in eliminating all forms of violence against women and to update the resource manual and the compendium on the Model Strategies and Practical Measures, as well as provide information for inclusion in the Secretary-General's database on violence against women;[66]

(b) To cooperate and collaborate at the bilateral, regional and international levels with relevant entities to prevent violence against women; to provide safety, assistance and protection for the victims and witnesses of violence and their family members, as appropriate; and to promote measures to effectively bring perpetrators to justice, through strengthened mechanisms of international cooperation and mutual legal assistance;

(c) To develop provisions providing for the safe and, to the extent possible, voluntary repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders;

(d) To contribute and provide support to the United Nations system in its efforts to eliminate all forms of violence against women;

(e) To take appropriate preventive action and to ensure full accountability in cases of sexual exploitation and abuse involving troops and police in United Nations peacekeeping operations.

26. Member States are also urged:

(a) To condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law, to call for a particularly effective response to such violations, in particular when they involve murder, systematic rape, sexual slavery and forced pregnancy, and to implement Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security;

(b) To work actively towards universal ratification of or accession to all relevant treaties and to promote their full implementation, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,[76] the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

[76] United Nations, *Treaty Series*, vol. 2131, No. 20378.

(c) To formulate any reservations to the Convention on the Elimination of All Forms of Discrimination against Women in a manner that is as precise and as narrow as possible and to ensure that any such reservations are not incompatible with the object and purpose of that convention;

(d) To work actively towards the ratification of or accession to existing regional instruments and agreements aimed at combating violence against women, and to promote their implementation;

(e) To include in periodic reports to the Committee on the Elimination of Discrimination against Women information on efforts made to implement the Updated Model Strategies and Practical Measures;

(f) To cooperate with the International Criminal Court, ad hoc international criminal tribunals and other international criminal tribunals in the investigation and prosecution of the perpetrators of genocide, crimes against humanity and war crimes, particularly of those crimes involving gender-based violence, and to enable women who have been subjected to violence to give testimony and participate in all stages of the proceedings while protecting the safety, interests, identity and privacy of those women;

(g) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially in women and children, in performing their mandated tasks and duties by supplying all information requested and responding to the Special Rapporteurs' visits and communications.

XII. Follow-up activities

27. Member States, United Nations bodies, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, other relevant international and regional organizations, research institutes, non-governmental organizations and professional organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the updated Model Strategies and Practical Measures into local languages and to ensure their wide dissemination and use in training and education programmes;

(b) To draw, as appropriate, on the updated Model Strategies and Practical Measures in the development of legislation, procedures, policies and practices in responding to violence against women;

(c) To assist States, upon request, in developing strategies and programmes to prevent violence against women and in reviewing and evaluating their criminal justice systems, including their criminal legislation, on the basis of the updated Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network aimed at eliminating all forms of violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to implement the updated Model Strategies and Practical Measures;

(f) To design standard training programmes and manuals for police and criminal justice officials based on the updated Model Strategies and Practical Measures;

(g) To periodically monitor and review progress made at the national and international levels in terms of plans, programmes and initiatives to eliminate all forms of violence against women;

(h) To periodically review and update, if necessary, the updated Model Strategies and Practical Measures."

45th plenary meeting
22 July 2010

2010/16
United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"*The General Assembly*,

Recalling the United Nations standards and norms in crime prevention and criminal justice primarily related to the treatment of prisoners, in particular the Standard Minimum Rules for the Treatment of Prisoners,[77] the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[78] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment[79] and the Basic Principles for the Treatment of Prisoners,[80]

Recalling also the United Nations standards and norms in crime prevention and criminal justice primarily related to alternatives to imprisonment, in particular the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[81] and the basic principles on the use of restorative justice programmes in criminal matters,[82]

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[77] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[78] Resolution 1984/47, annex.

[79] General Assembly resolution 43/173, annex.

[80] General Assembly resolution 45/111, annex.

[81] General Assembly resolution 45/110, annex.

[82] Resolution 2002/12, annex.

Recalling further its resolution 58/183 of 22 December 2003, in which it invited Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and the ways in which they can be addressed,

Considering the alternatives to imprisonment as provided for in the Tokyo Rules, and taking into consideration the gender specificities of, and the consequent need to give priority to applying non-custodial measures to, women who have come into contact with the criminal justice system,

Mindful of its resolution 61/143 of 19 December 2006, in which it urged States to, inter alia, take positive measures to address structural causes of violence against women and to strengthen prevention efforts that address discriminatory practices and social norms, including with regard to women who need special attention in the development of policies to address violence, such as women in institutions or in detention,

Mindful also of its resolution 63/241 of 24 December 2008, in which it called upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment,

Taking into consideration the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[83] in which Member States committed themselves, inter alia, to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders, and the plans of action for the implementation of the Declaration,[84]

Calling attention to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[60] as it relates specifically to women in detention and in custodial and non-custodial settings,

Recalling that, in the Bangkok Declaration, Member States recommended to the Commission on Crime Prevention and Criminal Justice that it give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners,

Having taken note of the initiative of the United Nations High Commissioner for Human Rights to designate the week from 6 to 12 October 2008 as Dignity and Justice for Detainees Week, which placed particular emphasis on the human rights of women and girls,

Considering that women prisoners belong to one of the vulnerable groups that have specific needs and requirements,

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[83] General Assembly resolution 55/59, annex.

[84] General Assembly resolution 56/261, annex.

Aware of the fact that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of female prisoners has significantly increased over the years,

Recognizing that a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social reintegration more difficult,

Welcoming the development by the United Nations Office on Drugs and Crime of the *Handbook for Prison Managers and Policymakers on Women and Imprisonment*,[85]

Welcoming also the invitation contained in Human Rights Council resolution 10/2 of 25 March 2009 to governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem,

Welcoming further the collaboration between the World Health Organization Regional Office for Europe and the United Nations Office on Drugs and Crime, and taking note of the Kyiv Declaration on Women's Health in Prisons,[86]

Taking note of the Guidelines for the Alternative Care of Children,[87]

Recalling Commission on Crime Prevention and Criminal Justice resolution 18/1 of 24 April 2009, in which the Commission requested the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules, supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, welcomed the offer by the Government of Thailand to act as host to the expert group meeting, and requested the expert group meeting to submit the outcome of its work to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, subsequently held in Salvador, Brazil, from 12 to 19 April 2010,

Recalling also that the participants of the four regional preparatory meetings for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice welcomed the development of a set of supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings,[88]

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[85] United Nations publication, Sales No. E.08.IV.4.

[86] World Health Organization Regional Office for Europe and United Nations Office on Drugs and Crime, *Women's Health in Prison: Correcting Gender Inequity in Prison Health* (Copenhagen, 2009).

[87] General Assembly resolution 64/142, annex.

[88] See A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[89] in which Member States recommended that the Commission on Crime Prevention and Criminal Justice consider the draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders as a matter of priority for appropriate action,

1. *Notes with appreciation* the work of the expert group, at its meeting held in Bangkok from 23 to 26 November 2009, to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, and the outcome of that meeting;[90]

2. *Expresses its gratitude* to the Government of Thailand for having acted as host to the meeting of the expert group and for the financial support provided for the organization of the meeting;

3. *Adopts* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, annexed to the present resolution, and approves the recommendation of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice that the Rules should be known as 'the Bangkok Rules';

4. *Recognizes* that, in view of the great variety of legal, social, economic and geographical conditions in the world, not all of the rules can be applied equally in all places and at all times, and that they should, however, serve to stimulate a constant endeavour to overcome practical difficulties in their application, in the knowledge that they represent, as a whole, global aspirations amenable to the common goal of improving outcomes for women prisoners, their children and their communities;

5. *Encourages* Member States to adopt legislation to establish alternatives to imprisonment and to give priority to the financing of such systems, as well as to the development of the mechanisms needed for their implementation;

6. *Encourages* Member States that have developed legislation, procedures, policies or practices on women in prison or on alternatives to imprisonment for women offenders to make information available to other States and relevant international, regional and intergovernmental organizations, as well as non-governmental organizations, and to assist them in developing and implementing training or other activities in relation to such legislation, procedures, policies or practices;

7. *Invites* Member States to take into consideration the specific needs and realities of women as prisoners when developing relevant legislation, procedures, policies and action plans and to draw, as appropriate, on the Bangkok Rules;

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[89] A/CONF.213/18, chap. I, resolution 1.

[90] A/CONF.213/17.

8. *Also invites* Member States to collect, maintain, analyse and publish, as appropriate, specific data on women in prison and women offenders;

9. *Emphasizes* that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caretaker, non-custodial measures should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent;

10. *Requests* the United Nations Office on Drugs and Crime to provide technical assistance and advisory services to Member States, upon request, in order to develop or strengthen, as appropriate, legislation, procedures, policies and practices on women in prison and on alternatives to imprisonment for women offenders;

11. *Also requests* the United Nations Office on Drugs and Crime to take steps, as appropriate, to ensure broad dissemination of the Bangkok Rules, as a supplement to the Standard Minimum Rules for the Treatment of Prisoners[1] and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[2] and to ensure the intensification of information activities in this area;

12. *Further requests* the United Nations Office on Drugs and Crime to enhance its cooperation with other relevant United Nations entities, intergovernmental and regional organizations and non-governmental organizations in the provision of relevant assistance to countries and to identify needs and capacities of countries in order to increase country-to-country and South-South cooperation;

13. *Invites* specialized agencies of the United Nations system and relevant regional and international intergovernmental and non-governmental organizations to engage in the implementation of the Bangkok Rules;

14. *Invites* Member States and other donors to provide extrabudgetary contributions for such purposes, in accordance with the rules and procedures of the United Nations.

Annex

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

Preliminary observations

1. The Standard Minimum Rules for the Treatment of Prisoners[1] apply to all prisoners without discrimination; therefore, the specific needs and realities of all prisoners, including of women prisoners, should be taken into account in their application. The Rules, adopted more than 50 years ago, did not, however, draw sufficient attention to women's particular needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners has acquired importance and urgency.

2. Recognizing the need to provide global standards with regard to the distinct considerations that should apply to women prisoners and offenders and taking into account a number of relevant resolutions adopted by different United Nations bodies, in which Member States were called on to respond appropriately to the needs of women offenders and prisoners, the present rules have been developed to complement and supplement, as appropriate, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[a] in connection with the treatment of women prisoners and alternatives to imprisonment for women offenders.

3. The present rules do not in any way replace the Standard Minimum Rules for the Treatment of Prisoners or the Tokyo Rules and, therefore, all relevant provisions contained in those two sets of rules continue to apply to all prisoners and offenders without discrimination. While some of the present rules bring further clarity to existing provisions in the Standard Minimum Rules for the Treatment of Prisoners and in the Tokyo Rules in their application to women prisoners and offenders, others cover new areas.

4. These rules are inspired by principles contained in various United Nations conventions and declarations and are therefore consistent with the provisions of existing international law. They are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the probation service) involved in the administration of non-custodial sanctions and community-based measures.

5. The specific requirements for addressing the situation of women offenders have been emphasized at the United Nations in various contexts. For example, in 1980, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a resolution on the specific needs of women prisoners, in which it recommended that, in the implementation of the resolutions adopted by the Sixth Congress directly or indirectly relevant to the treatment of offenders, recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution; that, in countries where it was not yet done, programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders; and that the United Nations, the governmental and non-governmental organizations in consultative status with it and all other international organizations should make continuing efforts to ensure that the woman offender was treated fairly and equally during arrest, trial, sentence and imprisonment, particular attention being paid to the special problems which women offenders encounter, such as pregnancy and child care.[b]

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[a] General Assembly resolution 45/110, annex.

[b] *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August–5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B, resolution 9 on the fair treatment of women by the criminal justice systems.

6. The Seventh Congress,[57] the Eighth Congress[58] and the Ninth Congress[59] also made specific recommendations concerning women prisoners.

7. In the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[60] adopted also by the Tenth Congress, Member States committed themselves to taking into account and addressing, within the United Nations crime prevention and criminal justice programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men (para. 11); and to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders (para. 12). The plans of action for the implementation of the Vienna Declaration[61] contain a separate section (sect. XIII) devoted to specific recommended measures to follow up on the commitments undertaken in paragraphs 11 and 12 of the Declaration, including that of States reviewing, evaluating and, if necessary, modifying their legislation, policies, procedures and practices relating to criminal matters, in a manner consistent with their legal systems, in order to ensure that women are treated fairly by the criminal justice system.

8. The General Assembly, in its resolution 58/183 of 22 December 2003, entitled "Human rights in the administration of justice", called for increased attention to be devoted to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they could be addressed.

9. In its resolution 61/143 of 19 December 2006, entitled "Intensification of efforts to eliminate all forms of violence against women", the General Assembly stressed that "violence against women" meant any act of gender-based violence resulting in, or likely to result in, physical, sexual or psychological harm or suffering to women, including arbitrary deprivation of liberty, whether occurring in public or in private life, and urged States to review and, where appropriate, revise, amend or abolish all laws, regulations, policies, practices and customs discriminating against women or having a discriminatory impact on women, and ensure that provisions of multiple legal systems, where they existed, complied with international human rights obligations, commitments and principles, including the principle of non-

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[57] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E, resolution 6 (on the fair treatment of women by the criminal justice system).

[58] Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111, annex); *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C, resolutions 17 (on pretrial detention), 19 (on the management of criminal justice and development of sentencing policies) and 21 (on international and interregional cooperation in prison management and community-based sanctions and other matters).

[59] A/CONF.169/16/Rev.1, chap. I, resolutions 1 (on recommendations on the four substantive topics of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders), 5 (on the practical implementation of the Standard Minimum Rules for the Treatment of Prisoners) and 8 (on the elimination of violence against women).

[60] General Assembly resolution 55/59, annex.

[61] General Assembly resolution 56/261, annex.

discrimination; to take positive measures to address structural causes of violence against women and to strengthen prevention efforts addressing discriminatory practices and social norms, including with regard to women in need of special attention, such as women in institutions or in detention; and to provide training and capacity-building on gender equality and women's rights for law enforcement personnel and the judiciary. The resolution is an acknowledgement of the fact that violence against women has specific implications for women's contact with the criminal justice system, as well as their right to be free of victimization while imprisoned. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women offenders, of which the present rules take account.

10. Finally, in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice on 25 April 2005,[10] Member States declared that they were committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pretrial and correctional facilities, in accordance with applicable international standards (para. 8); and they recommended that the Commission on Crime Prevention and Criminal Justice should give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners (para. 30).

11. As with the Standard Minimum Rules for the Treatment of Prisoners, in view of the great variety of legal, social, economic and geographical conditions worldwide, it is evident that not all of the following rules can be equally applied in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in how they are applied, in the knowledge that they represent, as a whole, the global aspirations considered by the United Nations as leading to the common goal of improving outcomes for women prisoners, their children and their communities.

12. Some of these rules address issues applicable to both men and women prisoners, including those relating to parental responsibilities, some medical services, searching procedures and the like, although the rules are mainly concerned with the needs of women and their children. However, as the focus includes the children of imprisoned mothers, there is a need to recognize the central role of both parents in the lives of children. Accordingly, some of these rules would apply equally to male prisoners and offenders who are fathers.

Introduction

13. The following rules do not in any way replace the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules. Therefore, all provisions contained in those two sets of rules continue to apply to all prisoners and offenders without discrimination.

14. Section I of the present rules, covering the general management of institutions, is applicable to all categories of women deprived of their liberty, including criminal or civil, untried or convicted women prisoners, as well as

women subject to "security measures" or corrective measures ordered by a judge.

15. Section II contains rules applicable only to the special categories dealt with in each subsection. Nevertheless, the rules under subsection A, applicable to prisoners under sentence, shall be equally applicable to the category of prisoners dealt with in subsection B, provided they do not conflict with the rules governing that category of women and are for their benefit.

16. Subsections A and B both provide additional rules for the treatment of juvenile female prisoners. It is important to note, however, that separate strategies and policies in accordance with international standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules),[98] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[99] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[100] and the Guidelines for Action on Children in the Criminal Justice System,[101] need to be designed for the treatment and rehabilitation of this category of prisoners, while institutionalization shall be avoided to the maximum possible extent.

17. Section III contains rules covering the application of non-custodial sanctions and measures for women and juvenile female offenders, including on arrest and at the pretrial, sentencing and post-sentencing stages of the criminal justice process.

18. Section IV contains rules on research, planning, evaluation, public awareness-raising and sharing of information, and is applicable to all categories of female offenders covered in these rules.

I. Rules of general application

1. Basic principle

[*Supplements rule 6 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 1

In order for the principle of non-discrimination, embodied in rule 6 of the Standard Minimum Rules for the Treatment of Prisoners to be put into practice, account shall be taken of the distinctive needs of women prisoners in the application of the Rules. Providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory.

[98] General Assembly resolution 40/33, annex.

[99] General Assembly resolution 45/112, annex.

[100] General Assembly resolution 45/113, annex.

[101] Resolution 1997/30, annex.

2. Admission

Rule 2

1. Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well.

2. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

3. Register

[*Supplements rule 7 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 3

1. The number and personal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status.

2. All information relating to the children's identity shall be kept confidential, and the use of such information shall always comply with the requirement to take into account the best interests of the children.

4. Allocation

Rule 4

Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services.

5. Personal hygiene

[*Supplements rules 15 and 16 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 5

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

6. Health-care services

[*Supplements rules 22 to 26 of the Standard Minimum Rules for the Treatment of Prisoners*]

(a) Medical screening on entry

[*Supplements rule 24 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 6

The health screening of women prisoners shall include comprehensive screening to determine primary health care needs, and also shall determine:

(a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;

(b) Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm;

(c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;

(d) The existence of drug dependency;

(e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

Rule 7

1. If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

2. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling.

3. Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.

Rule 8

The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

Rule 9

If the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist, to determine any treatment and medical needs. Suitable health care, at least equivalent to that in the community, shall be provided.

(b) Gender-specific health care

Rule 10

1. Gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners.

2. If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination.

Rule 11

1. Only medical staff shall be present during medical examinations unless the doctor is of the view that exceptional circumstances exist or the doctor requests a member of the prison staff to be present for security reasons or the woman prisoner specifically requests the presence of a member of staff as indicated in rule 10, paragraph 2 above.

2. If it is necessary for non-medical prison staff to be present during medical examinations, such staff should be women and examinations shall be carried out in a manner that safeguards privacy, dignity and confidentiality.

(c) Mental health and care

Rule 12

Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health care needs in prison or in non-custodial settings.

Rule 13

Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

(d) HIV prevention, treatment, care and support

Rule 14

In developing responses to HIV/AIDS in penal institutions, programmes and services shall be responsive to the specific needs of women, including prevention of mother-to-child transmission. In this context, prison authorities

shall encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education.

(e) Substance abuse treatment programmes

Rule 15

Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.

(f) Suicide and self-harm prevention

Rule 16

Developing and implementing strategies, in consultation with mental health care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.

(g) Preventive health care services

Rule 17

Women prisoners shall receive education and information about preventive health care measures, including from HIV, sexually transmitted diseases and other, blood-borne diseases, as well as gender-specific health conditions.

Rule 18

Preventive health care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

7. Safety and security

[*Supplements rules 27 to 36 of the Standard Minimum Rules for the Treatment of Prisoners*]

(a) Searches

Rule 19

Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.

Rule 20

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

Rule 21

Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

(b) Discipline and punishment

[*Supplements rules 27 to 32 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 22

Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.

Rule 23

Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

(c) Instruments of restraint

[*Supplements rules 33 and 34 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 24

Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

(d) Information to and complaints by prisoners; inspections

[*Supplements rules 35 and 36 and, with regard to inspection, rule 55 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 25

1. Women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

2. Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid.

3. In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members.

8. Contact with the outside world

[*Supplements rules 37 to 39 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 26

Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

Rule 27

Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.

Rule 28

Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.

9. Institutional personnel and training

[*Supplements rules 46 to 55 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 29

Capacity-building for staff employed in women's prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities. Capacity-building measures for women staff shall also include access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners.

Rule 30

There shall be a clear and sustained commitment at the managerial level in prison administrations to prevent and address gender-based discrimination against women staff.

Rule 31

Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.

Rule 32

Women prison staff shall receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment.

Rule 33

1. All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women prisoners.

2. Basic training shall be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine.

3. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

Rule 34

Capacity-building programmes on HIV shall be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma and discrimination, shall also be part of the curriculum.

Rule 35

Prison staff shall be trained to detect mental health care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.

10. Juvenile female prisoners

Rule 36

Prison authorities shall put in place measures to meet the protection needs of juvenile female prisoners.

Rule 37

Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.

Rule 38

Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence. They shall receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners.

Rule 39

Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.

II. Rules applicable to special categories

A. Prisoners under sentence

1. Classification and individualization

[*Supplements rules 67 to 69 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 40

Prison administrators shall develop and implement classification methods addressing the gender-specific needs and circumstances of women prisoners to ensure appropriate and individualized planning and implementation towards those prisoners' early rehabilitation, treatment and reintegration into society.

Rule 41

The gender-sensitive risk assessment and classification of prisoners shall:

(a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;

(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;

(d) Ensure that those with mental health care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

2. Prison regime

[*Supplements rules 65, 66 and 70 to 81 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 42

1. Women prisoners shall have access to a balanced and comprehensive programme of activities, which take account of gender-appropriate needs.

2. The regime of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in prisons in order to enable women prisoners to participate in prison activities.

3. Particular efforts shall be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison.

4. Particular efforts shall be made to provide appropriate services for women prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse.

Social relations and aftercare

[*Supplements rules 79 to 81 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 43

Prison authorities shall encourage and, where possible, also facilitate visits to women prisoners as an important prerequisite to ensuring their mental well-being and social reintegration.

Rule 44

In view of women prisoners' disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is allowed to visit them.

Rule 45

Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.

Rule 46

Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.

Rule 47

Additional support following release shall be provided to released women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

3. Pregnant women, breastfeeding mothers and mothers with children in prison

[Supplements rule 23 of the Standard Minimum Rules for the Treatment of Prisoners]

Rule 48

1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.

3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.

Rule 49

Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.

Rule 50

Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51

1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.

2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

Rule 52

1. Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws.

2. The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials.

3. After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.

4. Foreign nationals

[Supplements rule 38 of the Standard Minimum Rules for the Treatment of Prisoners]

Rule 53

1. Where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign-national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned.

2. Where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocation of the child to its home country, taking into account the best interests of the child and in consultation with the mother.

5. Minorities and indigenous peoples

Rule 54

Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.

Rule 55

Pre- and post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups.